Petty Sessions (Ireland) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Formation of Petty Sessions Districts.

Sect. I. Existing Districts, &c. to be confirmed, where they do not require Alteration; but where they require Alteration, Lord Lieutenant may authorize Justices at Quarter Sessions to revise them; Justices at Quarter Sessions to proceed as follows:—

1. To divide the County into Petty Sessions Districts, in which Parts of adjoining County may be included:
2. To fix Places for holding Petty Sessions:
3. To fix Frequency of holding Petty Sessions;

Subject to Approval of Lord Lieutenant. Clerk of the Peace to enter all Particulars in the Crown Book, and transmit Copy to Secretary of Grand Jury.

Appointment of Clerk.

Sect. II. Districts being formed, Justices to appoint a Clerk. Clerk to give Security by Recognizance, and take Oath of Office.

Sect. III. Fees to which Clerk to be entitled, except in special Cases, and in Crown and Constabulary Cases when no Costs recovered; Clerk to keep Account of Fees; Justices to appropriate Surplus for Court Requisites; List of Fees to be posted in Court House.

Sect. IV. Clerk to hold Office subject to the following Provisions:—

1. To follow no Occupation inconsistent with his Duty as Clerk, and to forfeit his Office if he engages in certain Employments.
2. To hold his Office at the Pleasure of the Justices;
3. And may be dismissed by the Lord Lieutenant.

Substitute may be appointed in Cases of Necessity.

Sect. V. Duties of Clerk of Petty Sessions:—

1. To make Minutes of Proceedings and Entries in Books.
2. To have Custody of Books.
3. To prepare all Forms, &c.
4. To copy in a Book all Orders, Circulars, and Opinions of Law Officers of the Crown, and also to make Copies of Informations, &c.
5. To enter Cases in consecutive Order.
6. To enter and account for all Fines, &c. under Fines Act.
7. To make Returns, and to observe general Regulations.

If so required, the Clerk to attend Assizes or Quarter Sessions, to answer any Complaint of Neglect of Duty as to Informations, &c.

Sect VI. On Death, Suspension, or Dismissal of Clerk, the Sub-Inspector to take charge of all Books, &c., and Justice may grant Search Warrant for Books, &c. if detained.

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Local Jurisdiction.

Sect. VII. Powers of Justices, &c. to act in and for different Localities:—

1. Justice may act for One County whilst in another adjoining County, of which he shall also be Justice.

2. Or whilst in adjoining County of a City, though not a Justice of same; but not on Matters arising in such County, &c.

3. Inspector General of Constabulary may act wherever he may be.

4. Justices for One County may act for annexed Townlands of another.

Constable, &c. may take Offenders before Justice in adjoining County, if he act for both.

Place of Hearing.

Sect. VIII. Petty Sessions where to be held:—

1. In Court House; but where there is no Court House, Grand Jury may present Rent of Justice Room, or a Sum for purchasing or erecting same.

2. In Summary Proceedings Complaint not to be heard or determined out of Petty Sessions, except in certain Cases. But Two Justices may act out of Petty Sessions where Offender cannot find Bail.

But nothing herein to apply to Proceedings as to Indictable Offences and certain other Cases.

Publicity of Proceedings.

Sect. IX. As to Right of the Public to have Access to the Place in which Justices shall sit:—

1. In Summary Proceedings Place to be deemed an open Court, and Parties to be allowed to plead by Counsel or Attorney.

2. In Proceedings for Indictable Offences the Place is not to be deemed an open Court without Consent of Justice.

Justices may commit and fine for Contempt of Court.

What Justices may act.

Sect. X. As to Occasions upon which Justices may act alone, or in conjunction with other Justices:—

1. What Justices may entertain any Complaint or Information.

2. What Justices may hear and determine the Case in Summary Proceedings.

3. What Justice may execute Summary Order.

Informations and Complaints.

Sect. XI. Justice may receive Information or Complaint. As to Offences within and Offences out of his Jurisdiction, and to Civil Cases.

1. It may be verbal, and without Oath, in certain Cases.

2. It must be in Writing, and on Oath, in certain other Cases.

3. Justice may bind the Informant to prosecute.

4. In Summary Proceedings, Complaints must be made, for Poor Rate within Two Years; for Wages, &c. within One Year; for Trespass within One Month; and in other Cases within Six Months.

In Summary Proceedings Defendant entitled to Copy of Information or Complaint when in Writing.

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Process to enforce Appearance.

Sect. XII. As to the Manner in which Persons shall be made to appear against whom Informations or Complaints shall have been received:—

1. In Cases of Indictable Offences Warrant to issue in the first instance; but in certain Cases a Summons may issue. If Party appear or is arrested, Justice to proceed under subsequent Provisions.

2. In Cases of Summary Jurisdiction Summons to issue in the first instance; but in certain Cases a Warrant may issue. In Cases of Arrest Justice may either commit or discharge on Recognizance.

Warrant or Summons to be signed, but not in Blank. May run into adjoining County.

Service of Summonses.

Sect. XIII. As to the Manner in which Summonses shall be served:—

1. Justices to appoint a Summons Server.
2. By whom Summons to be served.
3. What shall be due Service. Proof of Service.
4. Summons must be served at a reasonable Time.

But this Act shall not affect any special Mode of Service.

Witnesses.

Sect. XIV. Justices may force Witnesses to attend and give Evidence.

1. Issue of Summons. In Cases of Indictable Offences, Warrant may issue in the first instance.

2. If Summons be not obeyed, Justices may issue Warrant to arrest.

3. What Persons shall be competent Persons. Prosecutors and Complainants to be deemed competent Witnesses. Defendants in Wages, &c. Cases.

4. Witnesses to be examined on Oath.

5. Witnesses refusing to be examined may be committed from Time to Time till they consent. But this not to prevent Case being disposed of on other sufficient Evidence.

6. In Cases of Indictable Offences Witnesses may be bound to give Evidence, and on Refusal may be committed; but if Party is not committed or bailed, Witnesses to be liberated.

7. Justices may order Payment to Witnesses in Civil Cases, not exceeding 2*s.* 6*d.*

Witnesses to be protected from Arrest for Debt; and if arrested shall be discharged.

Taking the Evidence—Indictable Offences.

Sect. XV. Manner in which Evidence is to be taken:—

1. Justices to take Depositions.

2. Statement of Prisoner. Justices to caution Prisoner, and then take down his Statement; but Prosecutor may give any other Statement also in Evidence.

Prisoner may be remanded for any Time not exceeding Eight Days; but may be ordered up sooner. In Cases of Indictable Offences, after the Examinations, &c. have been completed, Defendant entitled to Copies of Depositions.

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Disposal of the Prisoner—Indictable Offences.

Sect. XVI. Manner in which the Accused shall be disposed of:—

1. When Evidence has been completed, Justices to discharge, or commit, or admit to Bail.

2. Justice of One County may examine as to Offence committed in another County, and either commit Prisoner or admit him to Bail. If Evidence is not sufficient, Justice may send Prisoner to County where Offence was committed; but if Evidence not sufficient, and Party not bailed, former Recognizance to be void.

Bailing Prisoner—Indictable Offences.

Sect. XVII. Admission to Bail:—

1. Persons charged with certain Felonies and Misdemeanors may be admitted to Bail at the Discretion of the Justice before Commitment. In such Case the committing Justice to certify on Warrant his Consent to Bail; and any other Justice may admit to Bail.

2. Persons charged with other Misdemeanors shall be admitted to Bail at any Time as of Right.

When Sureties cannot attend, Justices to give a duplicate Certificate. When Justice admits Person to Bail after Commitment, he shall order his Discharge, if not detained for any other Offence, or under Civil Process; but no Bail in Cases of Treason or of Felony under 11 & 12 Vict. c. 12., but by Order of the Lord Lieutenant, or Chief Secretary, or Queen's Bench.

Sect. XVIII. Justice may order Arrest, and require new Bail, in case Party about to abscond.

Sect. XIX. Warrant to arrest a Party against whom an Indictment is found. Party so arrested to be committed for Trial or bailed. If Party indicted be in Prison for some other Offence, Justice to order his Detention. But not to interfere with Bench Warrants, &c.

Disposal of the Informations, &c.—Indictable Offences.

Sect. XX. How Informations, Examinations, Statements, and Recognizances in Proceedings for Indictable Offences shall be disposed of:—

1. Informations, &c. taken before Justice out of Petty Sessions to be transmitted to Petty Sessions.

2. Informations, &c. to be transmitted to the Clerks of the Crown and Peace.

3. When Documents retained, Justice to certify Reason for such Retention.

Mode of transmitting Informations, &c. Grand Jury to present Amount of Postage.

Hearing the Case—Summary Jurisdiction.

Sect. XXI. Proceedings upon the Hearing and Determination of the Complaint:—

1. Where both Parties appear, Case to be heard on both Sides. Right of Reply. Proof of a Negative.

2. Where Defendant does not appear Hearing may be ex parte.

3. Where Complainant does not appear, Case to be dismissed or adjourned.

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Hearing the Case—Summary Jurisdiction—continued.

4. Justice to take down Evidence in Offence Cases in Writing, if required by Party.

Justices may adjourn the Court generally, or may adjourn particular Cases; and either allow Defendant to go at large, or commit him, or bind him by Recognizance to appear.

Adjudication of Case—Summary Jurisdiction.

Sect. XXII. Justices either to convict, or to dismiss the Complaint on the Merits, or without Prejudice. Entry of Orders:—

1. If Order made in Petty Sessions.
2. If Order made out of Petty Sessions.
3. Return and Entry of Cases decided out of Petty Sessions in which Constabulary prosecute or act.

Copies of Convictions need not be returned to Quarter Sessions as hitherto. But Certificate of Order to be given to Party. Certificate of a Dismissal on the Merits a Bar to future Proceedings; and to be good Evidence of Conviction.

Sect. XXIII. General Powers in adjudicating:—

1. Justices may in all Cases fix the Time and Manner of Payment.
2. In all Cases Distress may be ordered on Nonpayment.
3. In Offence Cases Imprisonment may be ordered in default of Distress, according to Scale; and may be directed by same Warrant. So also in like Cases in the first instance where no Goods or the Distress would be ruinous.
4. In Offence Cases Justices at Petty Sessions may substitute Distress for Committal, and vice versâ on Failure of First Warrant.
5. Power to award Hard Labour in Offence Cases.
6. Imprisonment may commence at Expiration of Imprisonment under previous Conviction.
7. Any Compensation awarded shall be paid to Party aggrieved, except in certain Cases.
8. Appropriation of Fines and Penalties.
9. Power to award Costs in all Cases to either Party.

Aiders and Abettors in the Commission of Offences to be punishable on summary Conviction as Principals.

Enforcement of Orders—Summary Jurisdiction.

Sect. XXIV. In Offence Cases Warrant to issue peremptorily. In Civil Cases Warrants to issue on Application of Party; but no Execution of Order pending an Appeal, except in certain Cases; or if Warrant not to be executed, or if executed, Party to be discharged or Distress to be returned.

Appeals—Summary Jurisdiction.

Sect. XXV. In what Cases Appeals shall be permitted. Appeal only to next Quarter Sessions of the Division:—

1. Notice to be given verbally at the Time, or to the Clerk within Three Days.
2. Recognizance to prosecute Appeal. Amount of Recognizance.
3. Form of Appeal.

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Appeals—Summary Jurisdiction—continued.

4. Recognizance to Appeal to be transmitted to Clerk of Peace.

5. Appellant to give Notice to opposite Party.

6. Court of Quarter Sessions (or Recorder) may decide Appeal, and give Costs not exceeding 40*s*. Clerk of Peace (or Recorder) to certify Decision; or return Recognizance if Appeal is not prosecuted.

7. If Order not varied on Appeal, Justice shall issue Warrant for Execution; but where Order is varied, Warrant to issue for Execution of Order of Quarter Sessions. Costs of Appeal how recovered. Where Party has been imprisoned he is only to be imprisoned for Remainder of Period.

In certain Case, where Party fails to prosecute Appeal, Justice may estreat Recognizance.

Addressing Warrants.

Sect. XXVI. To whom Warrants for Execution shall be addressed:—

1. In Offence Cases.

2. In other Cases.

Committals need not be addressed to Gaoler; and Gaoler to produce Prisoner in Cases of Adjournment or Remands.

Execution of Warrants.

Sect. XXVII. How Warrants addressed to the Constabulary shall be executed:—

1. Constabulary Warrants in the District.

2. Certifying to some other District of the same County.

3. Certifying out of the County.

But in case of Emergency Warrant may be sent direct; or may be executed by any Sub-Inspector, &c. in the same or adjoining County.

Sect. XXVIII. How Warrant shall be backed for Execution:—

1. To any Constabulary District in Ireland.

2. To the Police District of the Dublin Metropolis.

3. To England, &c. Inspector General, &c. to indorse; and any Justice, &c. may back.

The above Provisions also to apply to other Cases.

Sect. XXIX. Backing Warrants addressed to other Persons than the Constabulary.

Sect. XXX. Backing Warrants from England, &c.

Sect. XXXI. Provisions as to the Indorsement of Warrants to apply also Judges Warrants.

Sect. XXXII. Warrants duly backed to be valid for Execution; but if the Prosecutor or Witnesses be on the Spot, Examinations may be taken.

Sect. XXXIII. Return of unexecuted Warrants.

Sect. XXXIV. How Distress and Committals under Warrants shall be made:—

1. Execution of Warrants to distrain when addressed to Constabulary, or when addressed to other Persons.

2. In Cases of Committal Gaoler to give Receipt for Prisoners.

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Execution of Warrants—continued.

3. To what Prisons Offenders shall be committed in summary Proceedings.

Expenses incurred in conveying Prisoners; in Pursuit of Offenders; in carrying Witnesses; in carrying stolen Property, and in attending Assizes, &c.;—to be certified by Justice, and to be paid by proper Officer of Constabulary. The Amount to be certified by Inspector General for Payment by the Counties.

Recognizances.

Sect. XXXV. Mode of binding by Recognizance:—

1. Amount of Recognizance.
2. To contain particular Description of Parties bound.
3. To be in Form in Schedule.

Recognizances to appear, &c. at Assizes, &c. to be transmitted to Clerks of Crown, &c. and to be estreated by Court. Recognizances to appear before Justices, or to keep the Peace, &c. to be deposited with Clerk of Petty Sessions; and may be estreated by Justices; after Proof on Oath of Notice to Parties.

Offences against this Act.

Sect. XXXVI. Penalty for Offences in regard to the following Matters; viz.

Entry of Summonses.
Clerk taking more than his legal Fees.
Clerk engaging in Occupation inconsistent with this Act.
Service of Summonses.
Constabulary, &c. not returning Warrants, or committing any wilful Default.
Retaining Petty Sessions Books, &c.
Hindering Search for Books, &c.
Any other Neglect of Duty.

Justices may award the foregoing Penalties.

Form of Procedure.

Sect. XXXVII. Forms in Schedule to be deemed valid, and the proper Forms in all Proceedings; but Informality not to vitiate any Proceeding. Form of Order Book may be extended by Lord Lieutenant in Council.

Sect. XXXVIII. General Terms to be used in the Forms of Procedure.

Sect. XXXIX. Description of Property in Information or Complaint; viz.

Of Partners, &c.;
Of Counties;
In Goods provided for the Poor;
In Materials for Roads, &c.;
Of Commissioners, &c.

Sect. XL. No Objection to be allowed for any Variance between Information and Evidence as to Time or Place of committing Offence, if Information be in Time, or Offence be actually committed within the Jurisdiction. No Objection to be allowed for Defect of Substance or Form in Warrant, or for any Variance between it and Evidence adduced; but if the Party charged is deceived by such Variation or Defect, he may be committed or discharged upon Recognizance till adjourned Hearing.

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Miscellaneous Provisions.

Sect. XLI. Receipts given under this Act not to be subject to Stamp Duty.

Sect. XLII. Act not to extend to Police District of Dublin Metropolis.

Sect. XLIII. This Act shall not extend to Revenue, &c. Cases.

Sect. XLIV. After Commencement of Act the following Statutes repealed; viz. 7 & 8 G. 4. c. 67.; 6 & 7 W. 4. c. 34.; 12 & 13 Vict. c. 70.; and 12 & 13 Vict. c. 69.

Sect. XLV. Interpretation of Terms.

Sect. XLVI. Short Title of the Act.

Sect. XLVII. Commencement of Act.

Sect. XLVIII. Act to extend to Ireland only, but is not to affect the Jurisdiction of the Court of Queen's Bench in Ireland.

Sect. XLIX. Schedule deemed Part of Act.

SCHEDULE.

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(Ireland.)

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Consolidate and amend the Acts regulating the Proceedings at Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in Ireland.

[Note.—*The Clauses marked* A. *to* H. *were added in Committee.*]

WHEREAS it is expedient to consolidate and amend the Acts regulating the Proceedings at Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That — Preamble.

CLAUSE A. *Formation of Petty Sessions Districts*

I. If it shall appear to the Lord Lieutenant that any of the Petty Sessions Districts into which any County or Riding of a County in Ireland is now divided, or that any of the Places or Times at which Petty Sessions are now appointed to be held therein, do not require Alteration, (and he shall not be called upon by the Justices of such County or Riding, within Two Months after the passing of this Act, in manner herein-after mentioned, to authorize a Revision of the same,) it shall be lawful for him to notify his Approval of such Districts, Places, and Times to the Clerk of the Peace of such County

Existing Districts, &c. to be confirmed where they do not require Alteration.

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or Riding, and the same, when so approved, shall be the Districts, Places, and Times in such County or Riding for the Purposes of this Act: But whenever it shall appear to the Lord Lieutenant that any of the said Districts, Places, and Times now fixed or which shall hereafter be fixed in any County or Riding require Alteration, (or whenever he shall be called upon so to do by a Requisition signed by any Seven or more of the Justices of any County or Riding,) it shall be lawful for him to authorize the Justices of such County or Riding at the Quarter Sessions which shall be held next before the First Day of November One thousand eight hundred and fifty-one, or at any succeeding Quarter Sessions, to revise the said Districts, Places, and Times; and the said Justices, being assembled at such Quarter Sessions, or at any Adjournment of the same for that Purpose, shall proceed as follows:

But where they require Alteration, Lord Lieutenant may authorize Justices at Quarter Sessions to revise them.

Justices at Quarter Sessions to proceed as follows:

To divide the County into Petty Sessions Districts:

1. They shall divide such County or Riding into convenient Petty Sessions Districts for the Purposes of this Act, and shall declare the several Townlands of which each of such Districts shall consist; and in so doing it shall be lawful for them, with the Concurrence of the Justices of any adjoining County assembled at any like Quarter Sessions, or at any Adjournment of the same, to include in any of such Districts any Townlands of such adjoining County, where it shall be conducive to the Public Convenience, and where no Part of such Townlands shall be at a greater Distance than Three Miles from the Place where Petty Sessions shall be held for the District to which same shall be annexed:

Parts of an adjoining County may be included:

To fix Place for holding Petty Sessions:

2. They shall also fix some One convenient Place within each District at which Petty Sessions shall be held for the same:

To fix Frequency of holding Petty Sessions:

3. They shall also fix the Number of Times in each Month when Petty Sessions shall be regularly held in each District; but it shall be lawful for the Justices of each District afterwards to fix the particular Days in each Week upon which the Petty Sessions shall be held:

Subject to the Approval of the Lord Lieutenant.

And the said Districts, Places, and Times so fixed or altered shall be forthwith certified by the said Clerk of the Peace to the Lord Lieutenant, and shall, when approved of by the Lord Lieutenant, be the several Districts, Places, and Times in such County or Riding for the Purposes of this Act; and whenever the Lord Lieutenant's Approval of such Districts, Places, and Times shall have been notified to the Clerk of the Peace, he shall forthwith enter all Particulars as to the same in the Crown Book, and shall transmit a certified Copy of such Entries to the Secretary of the Grand Jury, to be laid before them at the then next ensuing Assizes (and in the County of Dublin at the then next ensuing Presentment Term); and the same shall be printed with the Presentments.

The Clerk of the Peace to enter all Particulars in the Crown Book, and transmit Copy to Secretary of Grand Jury.

II. Whenever

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Appointment of Clerk.

CLAUSE B. Districts being formed, Justices to appoint a Clerk.

II. Whenever the Petty Sessions Districts in each County shall have been so approved, or whenever afterwards any Vacancy shall occur by reason of the Death, Resignation, or Dismissal of any Clerk, it shall be lawful for the Justices of each Petty Sessions to appoint some One fit Person to act as Clerk of such Petty Sessions; but previous to entering upon the Duties of the said Office the said Clerk shall enter into a Recognizance (Form C.), conditioned for the due Discharge of the several Duties required of him under the Provisions of this Act, with One or more Sureties, and in such Amount as the Lord Lieutenant shall direct; and shall also make Oath before Two Justices sitting in Petty Sessions and in open Court, according to the Form (K.), and such Oath, when subscribed by the said Clerk or Assistant, shall be forthwith transmitted along with the said Recognizance to the Clerk of the Peace of the County, and shall be retained by him.

Clerk to give Security by Recognizance; and also to take Oath of Office.

CLAUSE C. The Clerk to be entitled to certain Fees.

III. The said Clerk of Petty Sessions shall be entitled to demand and receive, from the Persons at whose Instance the several Proceedings by or before any Justice or Justices shall be taken, the following Fees in respect to the same:

Scale of Fees:

	s.	*d.*
Drawing each Information, Deposition, or solemn Declaration (not being a Declaration as to the Loss of Pawnbrokers Duplicates, or as to the Admission of Paupers into Poorhouses) - - - - - -	1	0
Copy of any written Information or Complaint in Summary Proceedings - - - - - - -	0	6
Drawing any Notice or Order required by Law in Proceedings by or before Justices - - - -	0	6
Summons, and Copy - - - - - -	0	6
Warrant (except in any Case of a Committal for an Offence in which the Justices may see fit to remit the Fee) -	0	6
Certificate of Order, as entered in Order Book - -	1	0
Recognizance (when required by the Party or by the Justices to prepare the same, and when not at foot of a Deposition or Information) - - - - -		
Appeal (including the Recognizance to prosecute) - -	2	0

But not to exceed a certain Amount in certain Cases; and not to be payable in certain Cases; nor in Cases prosecuted by Crown or Constabulary

But the Clerk shall not be entitled to demand or receive a greater Amount of Fees for any Set of Informations, or for any Set of Summonses, or for any Set of any other Documents of the same Kind in the same Case than Two Shillings in the whole for each Set, unless the Justices shall specially authorize a greater Amount not exceeding the above Fees; nor shall he be entitled to demand or receive any of such Fees in any Case in which the Justices shall see fit to remit the same; nor shall he be entitled to receive any of such Fees in any Case of an Offence prosecuted by the Constabulary, or by any public Officer

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when no Costs are recovered.

Officer on behalf of the Crown, unless where Costs shall be awarded to the Prosecutor and recovered by him, in which Case such Clerk shall be entitled to demand and receive from such Prosecutor his legal Fees to an Amount not exceeding the Amount of such Costs;

Clerk to keep an Account of Fees.

and the said Clerk shall keep an Account of all Fees received by him under this Act in such Form and Manner as the Justices shall direct; and in case the said Fees shall amount to a greater Sum than the Justices shall deem an adequate Remuneration for such Clerk they may appropriate the Surplus to the Payment of Postage or to the Purchase of Stationery or other Court Requisites for their Use at Petty Sessions; and a printed List of such Fees shall be posted in a conspicuous Part of the Court House or Place in which the Petty Sessions shall be held.

Justices may appropriate Surplus, after paying Clerk, to Court Requisites.

A List of the Fees to be posted in Court House.

Clerk to hold subject to the following Provisions:

IV. The said Clerk shall hold the said Office of Clerk of Petty Sessions subject to the following Provisions:

To follow no Occupation inconsistent with his Duties, and to forfeit his Office if he engages in certain Employments:

1. He shall not, during the Time that he shall hold such Office, practise as an Attorney or Solicitor in any Case either at such Petty Sessions or at the Quarter Sessions of the Division of the County in which such Petty Sessions shall be situated, nor shall he act as the Clerk of any Attorney or Solicitor so practising, or as the Clerk of a Poor Law Union, or as a Collector of any Public Tax, or as a Pound Keeper, or as the Keeper or Partner in keeping any Inn or Public House, nor shall he engage in any other Business or Occupation which shall appear to the Lord Lieutenant or to the Justices to be inconsistent with his Duties as Petty Sessions Clerk; or otherwise, if he shall so act or engage, he shall ipso facto cease to hold such Office of Petty Sessions Clerk, and shall also be liable to the Penalties herein-after provided:

To hold his Office at the Pleasure of the Justices; and may be dismissed by the Lord Lieutenant for Neglect or Misconduct:

2. He shall hold his Office during the Pleasure of the Justices of the District:

3. He shall be subject to be dismissed by the Lord Lieutenant for Neglect, Misconduct, Incompetency, or for other like Cause connected with the Discharge of his Duties as Petty Sessions Clerk:

In Cases of Necessity, Substitute may be appointed.

And the said Clerk shall perform the Duties of his Office in Person, and not by Deputy, except in case of his Sickness, unavoidable Absence, or other Emergency, when the Justices at Petty Sessions may appoint some other Person to act as Clerk at such Petty Sessions for the Time being, who shall, if required by the Justices, enter into Security in like Manner as herein-before provided as to any Clerk.

V. The

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Appointment of Clerk.

V. The Clerk of Petty Sessions shall perform the following Duties:

Duties of Clerk of Petty Sessions:

To make Minutes of Proceedings and Entries in Books:

1. He shall make, when required by any of the Justices, a Minute of all special Proceedings, taken either in or out of Petty Sessions, in a Book to be kept for that Purpose, to be called the "Minute Book," and shall also make such Entries in the "Order Book" (Form D.) herein-after mentioned, as the Justices shall direct:

To have Custody of Books:

2. He shall also have the Care and Custody of such Books, subject to their being kept at the Court House or Place where the Petty Sessions shall be held, or otherwise as the Justices shall direct, and also subject to their being at all Times open to the Inspection of the Justices and of any other Person or Persons whom the Lord Lieutenant may at any Time appoint to examine the same:

To prepare all Forms, &c.:

3. He shall also prepare, under the Directions of the Justices, all Informations, Summonses, Examinations, Warrants, Recognizances, and other documentary Forms of Proceeding:

To copy in a Book all Orders, Circulars, and Opinions of Law Officers of the Crown, and also to make Copies of Informations, &c:

4. He shall retain, or (if so directed by the Justices) shall copy or cause to be copied into a Book to be kept for the Purpose, all Orders or Circulars, or Opinions of the Law Officers or Advisers of the Crown, addressed or transmitted to the Justices, and shall also make Copies of all Informations, Depositions, or Examinations, when so directed by the Justices, and shall also retain Copies of all Abstracts or Schedules of Documents transmitted to the Clerks of the Crown and Peace as herein-after provided:

To enter Cases in consecutive Order:

5. He shall enter all Cases in the Order in which the Summonses shall be issued at Petty Sessions, or if issued out of Petty Sessions, then in the Order in which the Application shall be made to him by the Complainant or his Agent to enter the same:

To enter and account for all Fines, &c. under Fines Act:

6. He shall enter a true Account of all Sums paid into Court under any Orders of the Justices, and of all Warrants issued for the Execution of any such Orders, and of all Sums levied under the same and paid over to him, (whether the said Sums shall be in the Nature of Penalties for Offences, or Sums awarded in Cases of a Civil Nature,) and shall otherwise account and act as to the same as required by the Provisions of "The Fines Act, Ireland, 1851," as to any Penal Sums:

To make Returns, and to observe general Regulations:

7. He shall also make such Returns of the Proceedings at Petty Sessions as the Chief or Under Secretary of the Lord Lieutenant shall from Time to Time require, and shall observe such general Regulations in respect to the Discharge of his several Duties as the Lord Lieutenant or the Justices shall from Time to Time prescribe:

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Appointment of Clerk.

Clerk to attend Assizes or Quarter Sessions, if required, to answer any Complaint of Neglect of Duty as to Informations.

And when required by the Clerks of the Crown or Peace, as the Case may be, the Clerk of Petty Sessions shall attend the Assizes or Quarter Sessions to which any Informations, Examinations, or Recognizances shall be returned by him, or to which any Informations, Examinations, or Recognizances prepared by him shall be returned, and as to which any Complaint shall have been made against him for Neglect, to answer such Inquiries respecting the same as shall be made by the Court; and in case it shall appear that such Clerk shall have committed any wilful Default or Neglect in preparing or in transmitting the same, or shall have improperly divulged the Contents of such Informations or Examinations, it shall be lawful for the Judge of Assize or for the Justices at Quarter Sessions, as the Case may be, for every such Offence to impose a Penalty not exceeding Twenty Pounds on the said Clerk, and in default of Payment of the same to commit him to Gaol for any Term not exceeding Three Months.

On Death, Suspension, or Dismissal of Clerk, Sub Inspector to take charge of all Books, &c.

Justice may grant Search Warrant for Books, &c. if detained.

VI. Whenever a Vacancy shall occur by reason of the Death, Resignation, Suspension, or Dismissal of any Clerk of Petty Sessions, the Sub-Inspector of Constabulary, or the Head Constable of the District, or such other Person as the Justices shall authorize, shall take charge of all Books, Papers, and other Effects belonging to the said Petty Sessions, and shall retain them in his Care and Custody until a Successor shall be appointed to such Clerk; and it shall be lawful for any Justice, upon being satisfied upon Oath that any such Books, Papers, or other Effects as aforesaid are or are suspected to be in the Possession of any Person who shall refuse to deliver up the same to such Sub-Inspector, Head Constable, or other Person so authorized, to issue a Warrant to any Sub-Inspector, Head or other Constable, to search the House of such Person for the same, and to seize and detain the same, if discovered therein; and such Sub-Inspector, Head or other Constable, so authorized by any such Warrant, may, upon the Refusal of such Person to open his Door for that Purpose, break it open.

Local Jurisdiction.

Justice may act for One County whilst being in another adjoining County, of which he shall also be Justice;

or whilst in adjoining County of a City, though not a Justice of same;

VII. The Powers of Justices and others to act in and for different Localities shall be subject to the following Provisions:

1. A Justice for any County may act in all Matters arising within such County, although he may at the Time happen to be in an adjoining County, provided he shall be also a Justice for such last-mentioned County:

2. A Justice for any County may in like Manner act in all Matters arising within such County, although he may at the Time happen to be in any City, Town, or Place, being a County of itself, situated within or adjoining to such last-mentioned County, whether he shall be a Justice of such City, Town, or Place,

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Place, or not; but nothing herein contained shall extend to empower any Justice for any County, not being also Justice for any such City, Town, or Place as aforesaid, or any Person acting under him, to act or intermeddle in any Matters arising within any such City, Town, or Place: but not to act as to Matters arising in such County of a City, &c.

3. The Inspector General, or either of the Deputy Inspectors General of Constabulary, being Justices of any County, may act in all Matters arising within such County, wherever they may happen to be at the Time: Inspector-General of Constabulary may act wherever he may be.

4. Whenever any Townland belonging to One County shall be included in any Petty Sessions District of the adjoining County under the Provisions of this Act, any Justice having Jurisdiction in such Petty Sessions District shall have the like Jurisdiction in such Townland, although he may not be a Justice of the County to which such Townland belongs; and any Committal to any Gaol or Bridewell of such last-mentioned County, or any other magisterial Act done by any such Justice, in any Case in which the Offence or Cause of Complaint shall have arisen in such Townland, shall have the like Force and Effect as if such Justice was also a Justice of such last-mentioned County: Justices for One County may act for annexed Townlands of another.

And all Constables or other Persons apprehending any Person whom they lawfully may and ought to apprehend by virtue of their Office or otherwise in any such County or Place as aforesaid, may lawfully convey such Person before any Justice for such County or Place whilst such Justice shall be in such adjoining County or Place as aforesaid, and such Constables or other Persons are hereby authorized and required in all such Cases to act in all things as if such Justice were within the County or Place for which he shall so act. Constables, &c. may take Offenders before Justice in adjoining County.

VIII. The Places where Justices shall sit in the Discharge of their Duties shall be subject to the following Provisions: *Place of Hearing.*

1. Whenever a public Court House shall be maintained by County Presentment at any Place fixed for the holding of Petty Sessions the Petty Sessions shall be held therein, if not inconvenient to the Public; but whenever no such public Court House shall be so maintained, or the holding of Petty Sessions therein would be inconvenient to the Public, it shall be lawful for the Grand Jury of the County either to present a Sum not exceeding One hundred Pounds for the Erection or Purchase of a public Justice Room in which the Petty Sessions shall be held, and of a Lock-up, or to present an annual Sum not exceeding Ten Pounds for the Rent of a public Justice Room in which the Petty Sessions shall be held, and of a Lock-up; provided that such Room shall not be in a House where spirituous or fermented Liquors are sold, or in a Constabulary Barrack, Petty Sessions to be held in Court House. Where no Court House, Grand Jury may present Rent of Justice Room, or a Sum for purchasing or erecting same.

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Place of Hearing.

Barrack, or in any Building maintained in the whole or in part at the Public Expense, and that it shall be proved to the Satisfaction of the County Presentment Sessions where Application shall be made for such Rent that at least Four Meetings of Justices shall have been held in such Room during the Six Months next preceding such Application:

In Summary Proceedings Complaint not to be heard or determined out of Petty Sessions, except in certain Cases; but Two Justices may act out of Petty Sessions where Offender cannot find Bail

2. It shall not be lawful for any Justices to hear and determine any Matter of Summary Jurisdiction out of Petty Sessions, except in Cases of Complaints for Drunkenness, Vagrancy, or Fraud in the Sale of Goods, or except where they shall see fit to decide on the Spot any Dispute as to any Sale in any Fair or Market; but it shall be lawful for Two Justices to hear and determine out of Petty Sessions any Complaint as to any Offence when the Offender shall be unable to give Bail for his Appearance at Petty Sessions:

But not to apply to Proceedings as to Indictable Offences and certain other Cases

Provided always, that nothing herein contained shall be construed to prevent any Justice from acting out of Petty Sessions in taking Informations, Examinations, or Recognizances in Proceedings for Indictable Offences or in making any Order for the delivering of any stolen Goods or the like, where any Act shall authorize a Justice so to do preliminary to the Hearing of the Complaint, or in making any other Order (not being in the Nature of a Conviction, or of an Adjudication upon a Complaint,) which Justices may be authorized or required by Law to make.

Publicity of Proceedings.

IX. The Right of the Public to have Access to the Place in which Justices shall sit shall be subject to the following Provisions:

Place in which Justices shall sit to hear Summary Proceedings to be deemed an open Court. Parties to be allowed to plead by Counsel or Attorney.

1. In all Cases of Summary Proceedings the Place in which any Justice or Justices shall sit to hear and determine any Complaint shall be deemed an open Court, to which the Public generally may have Access, so far as the same can conveniently contain them; and the Parties by and against whom any Complaint or Information shall there be heard shall be admitted to conduct or make their full Answer and Defence thereto respectively, and to have the Witnesses examined and cross-examined by themselves or by Counsel or Attorney on their Behalf:

Place where Examinations in Proceedings for Indictable Offences are taken not to be deemed an open Court without Consent of Justice.

2. In all Cases of Proceedings for Indictable Offences the Place in which any Justice or Justices shall sit to take any Examination or Statement relating to any such Offence shall not be deemed an open Court for that Purpose, but it shall be lawful for such Justice or Justices, in his or their Discretion, to order that no Person (the Counsel or Attorney of any Person then being in such Court as a Prisoner only excepted) shall have Access to or be or remain in such Place without the Consent or Permission of such Justice or Justices, if it appear

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appear to him or them that the Ends of Justice will be thereby best answered: *Publicity of Proceedings.*

Power to commit and fine for Contempt of Court.

And if any Person shall wilfully insult any Justice or Justices so sitting in any such Court or Place, or shall commit any other Contempt of any such Court, it shall be lawful for such Justice or Justices by any verbal Order either to direct such Person to be removed from such Court or Place, or to be taken into Custody, and at any Time before the rising of such Court by Warrant to commit such Person to Gaol for any Period not exceeding Seven Days, or to fine such Person in any Sum not exceeding Forty Shillings.

What Justices may act.

What Justices may entertain any Complaint or Information.

X. The Occasions upon which Justices may act alone, or in conjunction with other Justices, shall be as follows:

1. It shall be lawful for One Justice to receive an Information or Complaint, and to grant a Summons or Warrant thereon to compel the Attendance of the Person against whom the Information or Complaint shall be made, and to issue his Summons or Warrant to compel the Attendance of any Witnesses, and to do all other necessary Acts for the Committal of the Prisoner in Cases of Indictable Offences, or preliminary to the Hearing and Determination of the Complaint in Cases of Summary Proceedings; and in Summary Proceedings it shall not be necessary that such Justice shall be the Justice or One of the Justices by whom the Case shall be afterwards heard and determined:

What Justices may hear and determine the Case in Summary Proceedings.

2. In all Cases of Summary Proceedings in which the Matter of any Information or Complaint shall be required by the Act under which the same shall be laid or made to be heard and determined by more than One Justice, and the required Number of Justices shall not be in attendance on the Day of Hearing, it shall be lawful for One Justice sitting in Petty Sessions (except in the Cases of Offences against the Provisions of this Act, in which the Presence of Two Justices is required,) either to proceed to hear and determine the same, if he shall see fit, or otherwise to adjourn the Hearing until the required Number of Justices shall be present, any Act to the contrary notwithstanding:

What Justices may execute Summary Order.

3. In all Cases of Summary Jurisdiction, when an Order shall have been made by any Justice or Justices, it shall be lawful for any One Justice of the same County, whether he shall be the Justice or One of the Justices who shall have made the Order or not, to issue all Warrants, and to do all other necessary Acts for the Execution of such Order:

Provided always, that nothing herein contained shall be construed to enable One Justice to make any Order (not being in the Nature of a

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Informations and Complaints.

Conviction, or of an Adjudication upon a Complaint), or to give any Notice or Requisition, which is now by Law required to be made or given by Two Justices.

Justice may receive Information or Complaint.

As to Offences within his Jurisdiction:

As to Offences out of his Jurisdiction:

As to Civil Cases:

XI. Whenever Information shall be given to any Justice that any Person has committed or is suspected to have committed any Treason, Felony, Misdemeanor, or other Offence, within the Limits of the Jurisdiction of such Justice, for which such Person shall be punishable either by Indictment or upon a Summary Conviction; or that any Person has committed or is suspected to have committed any such Crime or Offence elsewhere out of the Jurisdiction of such Justice, either in Great Britain or Ireland, or in the Isles of Man, Jersey, Guernsey, Alderney, or Sark, and such Person is residing or being, or is suspected to reside or be, within the Limits of the Jurisdiction of such Justice; or that any Person has committed or is suspected to have committed any Crime or Offence whatsoever on the High Seas, or in any Creek, Harbour, Haven, or other Place in which the Admiralty of England or Ireland have or claim to have Jurisdiction, or on Land beyond the Seas, for which an Indictment can be legally preferred in any Place in the United Kingdom of England and Ireland, and such Person is residing or being, or is suspected to reside or be, within the Limits of the Jurisdiction of such Justice; or whenever a Complaint shall be made to any Justice as to any other Matter arising within the Limits of his Jurisdiction, upon which he shall have Power to make a Summary Order, it shall be lawful for such Justice to receive such Information or Complaint, and to proceed in respect to the same, subject to the following Provisions:

It may be verbal, and without Oath, in certain Cases

1. Whenever it is intended that a Summons only shall issue to require the Attendance of any Person, the Information or Complaint may be made either with or without Oath, and either in Writing or not, according as the Justice shall see fit:

It must be in Writing, and on Oath, in certain other Cases.

2. But whenever it is intended that a Warrant shall issue for the Arrest or Committal of any Person, the Information or Complaint shall be in Writing, and on the Oath of the Complainant or of some Person or Persons on his Behalf:

Binding the Informant to prosecute.

3. Whenever any such Information shall have been taken on Oath and in Writing that any Person has committed or is suspected to have committed any Crime or Offence for which such Person shall be punishable either by Indictment or Summary Conviction, it shall be lawful for the Justice, if he shall see fit, before taking any other Proceeding as to the same, to bind the Informant or Complainant by Recognizance (C.) to appear at the Court or Place where the Defendant is to be tried

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tried or the Complaint is to be heard to prosecute or give Evidence, as the Case may be, against such Person:

Informations and Complaints.

4. In all Cases of Summary Jurisdiction the Complaint shall be made, when it shall relate to the Nonpayment of any Poor Rate, County Rate, or other public Tax, within Two Years from the Date of the Warrant authorizing the Collection of the same, and when it shall relate to the Nonpayment of Money for Wages, Hire, or Tuition, within One Year from the Termination of the Term or Period in respect of which it shall be payable, and when it shall relate to any Trespass, whether of any Person or Animal, within One Month from the Time when the Trespass shall have occurred, and in any other Case within Six Months from the Time when the Cause of Complaint shall have arisen, but not otherwise:

In Summary Proceedings Complaints must be made for Poor Rate, &c. within Two Years; for Wages, &c. within One Year; for Trespass, within One Month; in other Cases, within Six Months.

And in all Cases of Summary Jurisdiction any Person against whom any such Information or Complaint shall have been made in Writing shall, upon being amenable or appearing in Person or by Counsel or Attorney, be entitled to receive from the Clerk of Petty Sessions a Copy of such Information or Complaint, on Payment of the Sum of Sixpence to such Clerk; and such Clerk shall in no Case allow the original Information or Complaint to be taken out of his Possession.

In Summary Proceedings Defendant entitled to Copy of Information or Complaint when in Writing.

Process to enforce Appearance.

XII. The Manner in which Persons against whom any such Informations or Complaints as aforesaid shall have been received by any Justice shall be made to appear to answer to the same shall be subject to the following Provisions:

In Cases of Indictable Offences Warrant to issue in the first instance.

1. In all Cases of Indictable Crimes and Offences (where an Information that any Person has committed the same shall have been taken in Writing and on Oath) the Justice shall issue a Warrant (B h.) to arrest and bring such Person before him, or some other Justice of the same County, to answer to the Complaint made in the Information (and which Warrant may be issued or executed on a Sunday as well as on any other Day); or if he shall think that the Ends of Justice would be thereby sufficiently answered, it shall be lawful for him, instead of issuing such Warrant, to issue a Summons in the first instance to such Person, requiring him to appear and answer to the said Complaint; but nothing herein contained shall prevent any Justice from issuing a Warrant for the Arrest of such Person at any Time before or after the Time mentioned in such Summons for his Appearance; and whenever such Person shall afterwards appear or be brought before any such Justice he shall proceed according to the Provisions hereinafter contained as to taking the Evidence against such Person, and committing such Person for Trial:

But in certain Cases a Summons may issue.

If Party appears or is arrested Justice to proceed under subsequent Provisions.

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In Cases of Summary Jurisdiction Summons to issue in the first instance: but in certain Cases a Warrant may issue.

2. In all Cases of Summary Jurisdiction the Justice shall issue his Summons (B a.) directed to such Person, requiring him to appear and answer to the Complaint; but in all Cases of Offences where the Person duly served with any Summons shall not appear at the required Time and Place, or it shall be proved on Oath that he is keeping out of the Way of such Service, it shall be lawful for the Justice (the Complaint being in Writing and on Oath,) to issue a Warrant to arrest and bring such Person before him or some other Justice of the same County, to answer to the said Complaint; and when such Person shall afterwards be arrested under such Warrant, the Justice before whom he shall be brought may either by Warrant (E b.) commit him to Gaol, until the Hearing of the Complaint, or may discharge him upon his entering into a Recognizance (C.), with or without Sureties, at the Discretion of the Justice, conditioned for his Appearance at such Hearing:

If Party is arrested Justice may either commit or discharge on Recognizance.

Warrant or Summons to be signed, but not in Blank.

And each Summons or Warrant shall be signed by the Justice or One of the Justices issuing the same, and it shall state shortly the Cause of Complaint, and no Summons or Warrant shall be signed in Blank; and in every Case where the Offence shall have occurred or the Cause of Complaint shall have arisen within the Petty Sessions District for which the Justice issuing any such Summons or Warrant shall act, but the Party or Witness to whom such Summons shall be directed or against whom such Warrant shall be issued shall reside in an adjoining County, it shall be lawful for such Justice to enforce the Appearance of such Party or Witness at the Hearing of the Charge or Complaint within such District, in like Manner as if such Party or Witness resided in such District, although such Justice may not be a Justice of such adjoining County.

CLAUSE D. Summons or Warrant may run into an adjoining County.

Service of Summonses.

Justices to appoint a Summons Server.

XIII. The Manner in which Summonses shall be served shall be subject to the following Provisions:

1. It shall be lawful for the Justices of each Petty Sessions to appoint some One or more Persons, who shall be able to read and write, to act as Summons Server or Servers of the District during the Pleasure of such Justices; and any such Summons Server shall be entitled to be paid by the Complainant or Person by whom he may be employed such Sum not exceeding the Sum of Sixpence for the Service of each Summons upon each Party or Witness (or upon each Set of Parties or Witnesses in the same Case who shall be served in the same House) as the Justices shall fix:

2. The

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Service of Summonses

2. The Summons shall be served by the Summons Server of the District, or (if the Justice issuing the same shall so direct or permit) by any other Person whom the Complainant shall employ, and who shall be able to read and write, but in no Case by the Complainant himself: By whom Summons to be served.

3. Every Summons shall be served upon the Person to whom it is directed by delivering to him a Copy of such Summons, or if he cannot be conveniently met with, by leaving such Copy for him at his last or most usual Place of Abode, or at his Office, Warehouse, Counting-house, Shop, Factory, or Place of Business, with some Inmate of the House not being under Sixteen Years of Age, a reasonable Time before the Day fixed for the Hearing of the Complaint; and in every Case the Person who shall serve such Summons shall endorse on the same the Time and Place where it was served, and shall attend with the same at the Hearing of the Complaint to depose, if necessary, to such Service: What shall be due Service. Proof of Service.

Provided always, that nothing herein contained shall be construed to affect the Provisions of any Act authorizing the Substitution of Service in particular Cases. But this not to affect any special Mode of Service.

Witnesses

XIV. Whenever it shall be made to appear to any Justice that any Person within the Jurisdiction of such Justice is able to give material Evidence for the Prosecution in Cases of Indictable Offences, or for the Complainant or Defendant in Cases of Summary Jurisdiction, and will not voluntarily appear for the Purpose of being examined as a Witness, such Justice shall proceed as follows: Justice may force Witnesses to attend and give Evidence

1. He shall issue a Summons (B a.) to such Person, requiring him to appear at a Time and Place mentioned in such Summons, to testify what he shall know concerning the Matter of the Information or Complaint, and (if the Justice shall see fit) to bring with him and produce for Examination such Accounts, Papers, or other Documents as shall be in his Possession or Power, and as shall be deemed necessary by such Justice; but in any Case of an indictable Crime or Offence, whenever the Justice shall be satisfied by Proof upon Oath that it is probable that such Person will not attend to give Evidence without being compelled so to do, then, (the Information or Complaint being in Writing and on Oath,) instead of issuing such Summons as aforesaid, it shall be lawful for him to issue a Warrant (B b.) in the first instance for the Arrest of such Person: Issue of Summons. In Cases of indictable Offences Warrant may issue in the first instance.

2. And in any Case when any Person to whom a Summons shall be issued in the first instance shall neglect or refuse to appear at the Time and Place appointed by such Summons, If Summons be not obeyed, Justices may issue

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Warrant to arrest Witness.

and no just Excuse shall be offered for such Neglect or Refusal, then, (the Information or Complaint being in Writing and on Oath,) after Proof upon Oath that such Summons was duly served upon such Person, or that such Person is keeping out of the Way of such Service, and that he is able to give material Evidence in the Case, it shall be lawful for the Justice before whom such Person should have appeared to issue a Warrant (B b.) to arrest such Person, and to bring him at the Time and Place appointed for the Hearing of the Case, to testify and to produce such Accounts, Papers, and Documents as may be required as aforesaid:

What Persons shall be competent Witnesses:

Prosecutors and Complainants in all Cases:

Defendants in Wages Cases.

3. In all Cases of Prosecutions for Offences the Evidence of the Party aggrieved shall be admissible in proof of the Offence; and in all Cases of Complaints on which a Justice can make an Order for the Payment of Money, or otherwise, the Evidence of the Complainant shall be admissible in proof of his Complaint; and in Cases of Wages, Hire, or Tuition the Evidence of the Master or Employer may, in the Discretion of the Justices, be admitted in proof against the Complaint:

Witnesses to be examined on Oath.

4. All Witnesses shall be examined upon Oath, and any Justice before whom any such Witness shall appear for the Purpose of being so examined shall have full Authority to administer to every such Witness the usual Oath:

Witnesses refusing to be examined may be committed from Time to Time till they consent to be examined.

5. Whenever any Person shall appear as a Witness, either in obedience to a Summons or by virtue of a Warrant, (or shall be present, and shall be verbally required by the Justice or Justices to give Evidence,) and he shall refuse to be examined upon Oath concerning the Matter of the Information or Complaint, or shall refuse to take such Oath, or having taken such Oath shall refuse to answer such Questions concerning the said Matter as shall then be put to him, or shall refuse or neglect to produce any such Accounts, Papers, or Documents as aforesaid, (without offering any just Excuse for such Refusal,) the Justice or Justices then present may adjourn the Proceedings for any Period not exceeding Eight clear Days, and may in the meantime by Warrant (E b.) commit the said Witness to Gaol, unless he shall sooner consent to be examined and to answer concerning the Premises, or to produce such Accounts, Papers, or Documents, as the Case may be; and if such Witness, upon being brought up upon such adjourned Hearing, shall again refuse to be sworn, or to testify as aforesaid, or to produce such Accounts, Papers, or Documents, as the Case may be, the said Justices, if they shall see fit, may again adjourn the Proceedings, and commit the Witness for the like Period, and so again from Time to Time until he

Premises,

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Witnesses.

shall consent to be examined and to answer concerning the Premises, or to produce such Accounts, Papers or Documents, as the Case may be; but nothing herein contained shall be deemed to prevent the Justice or Justices from sending any such Case for Trial, or otherwise disposing of the same in the meantime, according to any other sufficient Evidence which shall have been received by him or them:

But this not to prevent Case from being disposed of on other sufficient Evidence.

6. Whenever in Cases of Indictable Offences the Justice or Justices shall see fit, they may bind the Witnesses by Recognizance to appear at the Trial of the Offender and give Evidence against him; and whenever any Witness shall refuse to be so bound it shall be lawful for the Justice or Justices by Warrant (E b.) to commit him to the Gaol of the County or Place in which the Person accused is to be tried, there to be imprisoned until the Trial of the Person accused, unless in the meantime such Witness shall duly enter into Recognizance before some Justice of the County in which such Gaol shall be situated; but if afterwards, from Want of sufficient Evidence or other Cause, the Justice or Justices before whom the Person accused shall have been brought shall not commit him or hold him to Bail, it shall be lawful for such Justice or Justices or any other Justice of the County by Warrant (E d.) to order the Keeper of the Gaol to discharge such Witness:

In Cases of Indictable Offences Witnesses may be bound to give Evidence, and on Refusal may be committed; but if Party is not committed or bailed, Witness to be liberated.

7. In all Cases of Summary Jurisdiction it shall be lawful for the Justices by whom any Order for Payment of Money, not being in the Nature of a Penalty for an Offence, shall be made, to order the Party at whose Instance any Witness shall have been summoned to pay to such Witness such Sum, not exceeding Two Shillings and Sixpence, as to such Justices shall seem fit, for his Expenses or Loss of Time for each Day of attending to give Evidence, and in default of Payment thereof at such Time as such Justice shall appoint, then to issue a Warrant to levy the Amount thereof by Distress of the Goods of such Party:

Justices may order Payment to Witnesses in Civil Cases, not exceeding 2*s.* 6*d.*

And no Person who shall be summoned to attend before any Court of Petty Sessions, or before any Justice out of Petty Sessions, as a Witness, shall be liable to Arrest for Debt whilst at such Court, or at the Place where such Justice shall sit, or whilst proceeding to or returning from the same, provided he shall proceed and return by the most direct Road without unnecessary Delay; and it shall be lawful for the Court out of which the Writ or Process shall have issued to order the Discharge of any Person who shall be so arrested.

Witnesses to be protected from Arrest for Debt; and if arrested shall be discharged by the Court.

XV. The Manner in which the Evidence shall be taken in Proceedings for Indictable Offences shall be subject to the following Provisions:

Taking the Evidence — Indictable Offences.

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Justices to take Depositions.

1. In every Case where any Person shall appear or be brought before any Justice or Justices charged with any Indictable Crime or Offence, such Justice or Justices, before commiting such Person for Trial or admiting him to Bail, shall in the Presence of such Person, who shall be at liberty to put Questions to any Witness produced against him, take the Depositions (A b.) on Oath and in Writing of those who shall know the Facts of the Case, and such Depositions shall be read over to and signed respectively by the Witnesses who shall have been so examined, and shall also be signed by the Justice or One of the Justices who shall take the same; and if upon the Trial of the Person so accused it shall be proved by the Oath of any credible Witness that any Person whose Deposition shall have been so taken is dead, and that such Deposition was taken in the Presence or Hearing of the Person accused, and that he or his Counsel or Attorney had an Opportunity of cross-examining such Witness, it shall be lawful to read such Deposition as Evidence on the Trial, without further Proof thereof, unless it shall be proved that the same was not signed by the Justice purporting to have signed the same:

Depositions of Witnesses who have died.

Statement of Prisoner.

2. Whenever the Examination of the Witnesses on the Part of the Prosecution shall have been completed the Justice or One of the Justices present shall, (without requiring the Attendance of the Witnesses,) read or cause to be read to the Person accused the several Depositions, and then take down in Writing the Statement (A c.) of such Person (having first cautioned him him that he is not obliged to say anything unless he desires to do so, but that whatever he does say will be taken down in Writing, and may be given in Evidence against him on his Trial); and whatever Statement the said Person shall then make in answer to the Charge shall, when taken down in Writing, be read over to him, and shall be signed by the said Justice or One of the Justices present, and shall be transmitted along with the Depositions, and afterwards, upon the Trial, may, if necessary, and if so signed, be given in Evidence, against the Person accused, without further Proof thereof, unless it shall be proved that it was not signed by the Justice purporting to sign the same; but nothing herein contained shall prevent the Prosecutor from giving in Evidence any Admission or Confession, or other Statement made at any Time by the Person accused, and which would be admissible by Law as Evidence against such Person:

Justices to caution Prisoner, and then take down his Statement.

but Prosecutor may give any other Statement also in Evidence.

Remanding Prisoner.

May be remanded for

But if from the Absence of any Witnesses or from any other reasonable Cause it shall become necessary or advisable to defer the Examination or further Examination of the Witnesses for any Time, it shall be lawful

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Taking the Evidence — Indictable Offences.

lawful for the Justice before whom the Person accused shall appear or be brought, either to admit such Person to Bail in manner herein-after provided, or by Warrant (E b.) from Time to Time to remand such Person to Gaol for such Time as the Justice shall deem expedient, not exceeding Eight clear Days; but any such Justice may order the said Person to be brought before him or some other Justice of the County, at any Time before the Expiration of the Period for which he shall have been so remanded: Provided always, that at any Time after the Examinations in any Proceedings for an Indictable Offence shall have been completed, and on or before the First Day of the Assizes or Sessions or other First Sitting of the Court at which any Person committed to Gaol or admitted to Bail is to be tried, such Person may require and shall be entitled to receive from the Officer or Person having the Custody of the same Copies of the Depositions on which he shall have been committed or bailed, or Copies of Depositions taken at any Inquest in case of Murder or Manslaughter, on Payment of a reasonable Sum for the same, not exceeding a Sum at the Rate of Three Halfpence for each Folio of Ninety Words.

any Time not exceeding Eight Days; but may be ordered up sooner.

In Cases of Indictable Offences after the Examinations, &c. have been completed, Defendant entitled to Copies of Depositions.

Disposal of the Prisoner.— Indictable Offences.

XVI. The Manner in which the Person accused shall be disposed of when the Evidence shall have been taken in Proceedings for Indictable Offences shall be subject to the following Provisions:

1. Whenever the Offence shall have been committed within the Jurisdiction of the Justice or Justices present, and he or they shall be of opinion that it is not sufficient to put such accused Person on his Trial, he or they shall forthwith order such accused Person, if in Custody, to be discharged as to the Information then under Inquiry; but if in the Opinion of such Justice or Justices such Evidence is sufficient to put such Person on his Trial, or if such Evidence raises a strong or probable Presumption of Guilt, then such Justice or Justices shall either by Warrant (E b.) commit him to Gaol, to be there kept until his Trial for the said Offence, or shall admit him to Bail in manner herein-after provided, according as he or they shall see fit:

When Evidence has been completed, Justices to discharge, or commit, or admit to Bail.

2. Whenever any Person shall appear or be brought before any Justice charged with an Offence alleged to have been committed by him in any County or Place in Ireland wherein such Justice shall not have Jurisdiction, it shall be lawful for such Justice and he is hereby required to examine such Witnesses, and receive such Evidence in proof of such Charge as shall be produced before him within his Jurisdiction; and if in his Opinion such Evidence shall be sufficient Proof of the said Charge, such Justice shall thereupon, either by a like Warrant

Justice of One County may examine as to Offence committed in another County, and either commit Prisoner or admit him to Bail.

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Disposal of the Prisoner — Indictable Offences.

If Evidence is not sufficient, Justice may send Prisoner to County where Offence was committed;

(E b.) commit the Person accused to the Gaol of the County or Place wherein the Offence shall be alleged to have been committed, or shall admit him to Bail, according as such Justice shall see fit; but if in his Opinion such Evidence shall not be sufficient to put the accused Party on his Trial, then such Justice shall bind over the Prosecutor, if he shall have appeared, and the Witnesses, to give Evidence when required so to do, and shall thereupon, by Warrant (E c.) order such Person to be taken before some Justice of the County in which and near the Place where the Offence is alleged to have been committed, and shall at the same Time deliver to the Person having the Execution of such Warrant the Information, Depositions, and Recognizances, if any, so taken, to be delivered to the Justice before whom the accused Person shall be taken in obedience to such Warrant, and such Information, Depositions, and Recognizances shall be treated to all Intents as if they had been taken before such last-mentioned Justice:

but if Evidence not sufficient, and Party not bailed, former Recognizance to be void.

Provided always, that if such last-mentioned Justice shall not think the Evidence against such accused Party sufficient to put him on his Trial, and shall discharge him without holding him to Bail, any Recognizance so taken by the said first-mentioned Justice shall be null and void.

Bailing Prisoner — Indictable Offences.

Persons charged with certain Felonies and Misdemeanors may be admitted to Bail at the Discretion of the Justice before Commitment for Trial. 1 & 2 W. 4. c. 44.

XVII. The Admission to Bail of Persons charged with Indictable Offences shall be subject to the following Provisions:

1. In every Case where any Person shall be charged before any Justice in manner aforesaid with any Felony (save as hereinafter excepted), or with any Assault with Intent to commit any Felony, or with any Attempt to commit any Felony, or with any Offence against an Act of the First and Second Years of His late Majesty King William the Fourth, intituled "An Act to amend an Act passed in the Parliament of "Ireland in the Fifteenth and Sixteenth Years of the Reign "of His Majesty King George the Third, intituled 'An Act "'to prevent and punish tumultuous Risings of Persons "'within this Kingdom, and for other Purposes therein men-"'tioned,'" or with obtaining or attempting to obtain Property by false Pretences, or with a Misdemeanor in receiving Property stolen or obtained by false Pretences, or with Perjury or Subornation of Perjury, or with concealing the Birth of a Child by secret burying or otherwise, or with wilful or indecent Exposure of the Person, or with Riot, or with Assault in pursuance of a Conspiracy to raise Wages, or Assault upon a Peace Officer in the Execution of his Duty, or upon any Person

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Bailing Prisoner — Indictable Offences.

Person acting in his Aid, or with Neglect or Breach of Duty as Peace Officer, or with any Misdemeanor for the Prosecution of which the Costs may be allowed out of the County Rate or Funds, it shall be lawful either for the Justice before whom such Charge shall be made, at any Time before such Person shall be committed to Gaol, or for the Justice by whom the Warrant to commit shall have been signed, at any Time afterwards, and before the First Day of the Sitting of the Court before which he shall have been committed to be tried, if (having regard to the Nature of the Charge, and the Cogency of the Evidence adduced in support of it,) it appears to him to be a Case in which Bail ought to be taken, to admit such accused Person to Bail by Recognizance (C.), with One or more sufficient Sureties, at the Discretion of the Justice, conditioned that he will appear at the Time and Place when and where he is to be tried for such Offence, and that he will then surrender and take his Trial, and not depart the Court without Leave; and whenever in any such Case the accused Person shall not be admitted to Bail, if the committing Justice shall be of opinion that he ought to be admitted to Bail, he shall certify (I c.) on the Warrant of Commitment his Consent to his being bailed, stating also the Amount of Bail which ought to be required; and any Justice of the County attending or being at the Gaol where such accused Party shall be in Custody, on Production of such Certificate at any Time before the First Day of the Sitting of the Court before which he shall have been committed to be tried, may admit such accused Person to Bail in manner aforesaid:

In such Cases the committing Justice to certify on Warrant his Consent to Bail; and any other Justice may admit to Bail.

2. In every Case where any Person shall be charged before any Justice with any Indictable Misdemeanor or Offence other than those herein-before mentioned, such Justice, after taking the Examinations, instead of committing him to Prison, shall, upon the Application of such Person (and upon being satisfied as to the Sufficiency of the Bail offered), admit him to Bail in manner aforesaid, or if he shall have been committed to Prison, and shall apply to any Justice for the same County to admit him to Bail at any Time before the First Day of the Sitting of the Court before which he shall have been committed to be tried, such Justice shall admit him to Bail in manner aforesaid:

Persons charged with other Misdemeanors shall be admitted to Bail at any Time as of Right.

And whenever it shall not be convenient for the Surety or Sureties in any Case to attend at the Gaol to join with the accused Person in the Recognizance of Bail, then such committing Justice or the Justice by whom such Person can be admitted to Bail, as the Case may be, shall

When Sureties cannot attend, Justice to give a Duplicate Certificate.

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Bailing Prisoner—Indictable Offences.

shall make a Duplicate of such Certificate (I c.) as aforesaid, and upon the same being produced to any Justice for the same County it shall be lawful for such last-mentioned Justice, before such Time as aforesaid, to take the Recognizance of the Surety or Sureties in conformity with such Certificate, and upon such Recognizance being transmitted to the Keeper of such Gaol, and produced to any Justice attending or being at such Gaol, it shall be lawful for such last-mentioned Justice, before such Time as aforesaid, to take the Recognizance of such accused Person in like Manner as if the Sureties were present; and in all Cases where a Justice shall admit to Bail any Person who shall then be in any Gaol charged with the Offence for which he shall be so admitted to Bail, such Justice shall send to or cause to be lodged with the Keeper of such Gaol a Warrant (E d.) requiring the said Keeper to discharge the Person so admitted to Bail, if he be detained for no other Offence or under no Civil Process, and upon such Warrant being delivered to such Keeper he shall forthwith obey the same: Provided always, that no Justice shall admit any Person to Bail for Treason, or for any Felony under an Act of the Eleventh Year of Her present Majesty's Reign, intituled "An Act for the better Security of the Crown and Government of "the United Kingdom," nor shall any such last-mentioned Person be admitted to Bail except by Order of the Lord Lieutenant or other Chief Governor or Governors of Ireland, or his or their Chief Secretary, or by Her Majesty's Court of Queen's Bench at Dublin, or a Judge thereof in Vacation,

When Justice admits a Person to Bail after Commitment, he shall order his Discharge, if not detained for any other Offence, or under Civil Process; but no Bail in Cases of Treason or of Felony under 11 & 12 Vict. c. 12. but by Order of the Lord Lieutenant, or Chief Secretary, or Queen's Bench.

CLAUSE E.

Where Party is about to abscond, Justice may, upon Application of Bailsman, order Arrest, and require new Bail.

XVIII. Whenever any Person charged with any such Indictable Crime or Offence as aforesaid shall have been bailed in manner aforesaid, it shall be lawful for the Justice by whom he shall have been bailed, or for any other Justice of the County, if he shall see fit, upon the Application of the Surety or of either of the Sureties of such Person, and upon Information being made in Writing and on Oath by such Surety, or by some Person on his Behalf, that the Person so bailed is about to abscond for the Purpose of evading Justice, to issue his Warrant for the Arrest of such Person so bailed, and afterwards, upon being satisfied that the Ends of Justice would otherwise be defeated, to commit such Person, when so arrested, to Gaol, until his Trial, or until he shall produce another sufficient Surety or other sufficient Sureties, as the Case may be, in like Manner as before.

Warrant to arrest a Party against whom an Indictment is found.

XIX. Whenever an Indictment shall have been found by the Grand Jury in the Court of Queen's Bench, or in any Court of Oyer and Terminer or General Gaol Delivery, or at any General or Quarter Sessions of the Peace in Ireland, against any Person who shall then be at large, and who shall not already have appeared and pleaded to such

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Bailing Prisoner—Indictable Offences.

such Indictment, (and whether such Person shall have been bound by Recognizance to answer to the same or not,) the Person who shall act as Clerk of the Crown at such Court, or as Clerk of the Peace at such Sessions, shall, at any Time after the End of the Sessions at which such Indictment shall have been found, upon Application of the Prosecutor or of some Person on his Behalf, and free from Charge, grant unto such Prosecutor or Person a Certificate (I b.) of such Indictment having been found; and upon Production of such Certificate to any Justice for the County in which the Offence shall be alleged in such Indictment to have been committed, or in which the Person thereby indicted shall reside or be, or be suspected to reside or be, such Justice shall issue his Warrant to arrest such Person, and to cause him to be brought before him, or some other Justice for the same County, to be dealt with according to Law; and upon such Person being so brought before such Justice, and upon its being proved on Oath that the Person so arrested is the same Person who is charged and named in such Indictment, such Justice shall, without further Inquiry, either commit him for Trial or admit him to Bail, in manner aforesaid; and in any such Case as last aforesaid, if the Person so indicted shall at the Time be confined in any Gaol for any other Offence than that charged in such Indictment, such Justice shall, upon like Proof on Oath that the Person so confined is the same Person who is so charged in such Indictment, issue his Warrant (E b.) to the Keeper of such Gaol, commanding him to detain such Person in his Custody until he shall be discharged therefrom by due Course of Law; but nothing herein contained shall be deemed to prevent any Clerk of the Crown or Peace or other Officer from issuing any Warrant in any such Case for the Arrest of any such Person which he might otherwise by Law issue.

Party so arrested to be committed for Trial or bailed.

If Party indicted be in Prison for some other Offence, Justice to order his Detention.

But not to interfere with Bench Warrants, &c.

Disposal of the Informations, &c.—Indictable Offences.

XX. The Manner in which Informations, Examinations, Statements of accused Parties, and Recognizances, in Proceedings for Indictable Offences, shall be disposed of, when taken, shall be subject to the following Provisions:

1. Every such Information, Examination, Statement, and Recognizance sworn, taken, or acknowledged by or before any Justice not sitting in Petty Sessions shall, with all convenient Despatch, and at the latest before the Petty Sessions then next ensuing for the District where the Case may have arisen, be transmitted by him to the Justices at such Petty Sessions, except in Cases where the Person accused shall not have been committed or shall not be amenable, and such Justice shall deem it expedient to retain such Documents for a longer Period:

Informations, &c. taken before Justice out of Petty Sessions to be transmitted to Petty Sessions.

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Disposal of the Informations, &c.— Indictable Offences.

Informations, &c. to be transmitted to the Clerks of the Crown and Peace;

2. The Justices at Petty Sessions shall transmit or cause the Clerk of Petty Sessions to transmit every such Information, Examination, Statement, or Recognizance so received from any Justice out of Petty Sessions, or which shall be sworn, taken, or acknowledged at Petty Sessions, to the Clerk of the Crown of the County where the same shall relate to any Matter to be tried at the Assizes, or to the Clerk of the Peace where same shall relate to any Matter to be tried at Quarter Sessions, with all convenient Despatch, or at latest within Seven Days from the holding of each Petty Sessions where the Party shall have been committed or shall be amenable, or at least Seven Days before the Assizes or Quarter Sessions, as the Case may be, where the Party shall not have been committed or shall not be amenable, except in Cases of Indictable Offences where the Party shall not have been committed or shall not be amenable, and the Justices shall deem it expedient to retain such Documents for a longer Period:

but when detained, Justice to certify Reason.

3. In every Case where any such Documents, whether taken in or out of Petty Sessions, shall be so retained by any Justice for a longer Period than is herein-before provided, he shall endorse on the same his Reason for such Retention:

Mode of transmitting Informations, &c.

And in all Cases where the Justices shall deliver to the Clerk of Petty Sessions any such Information, Examination, Statement, or Recognizance to transmit to the Clerks of the Crown or Peace, the said Clerk of Petty Sessions shall forthwith make an Abstract or Schedule of the same, specifying the Dates of the same, and the Dates when the same were received by him; and when there shall be no more convenient or safe Mode of Transmission, and he shall be so directed by the Justices, he shall transmit such Schedule, together with the Informations, Examinations, and Recognizances therein referred to, to the said Clerks of the Crown or Peace, as the Case may be, through the General Post Office, prepaying the same, and obtaining a Receipt from the Postmaster where the same shall be posted, specifying the Date of such posting, and for which the Postmaster by whom the same shall be delivered shall in like Manner obtain a like Receipt from the Clerk of the Peace, or Clerk of the Crown, as the Case may be, and which Receipts such Postmaster and such Clerk of the Crown or Peace are hereby required to give; and the Grand Jury of the County shall at the Assizes present to be paid to such Clerks of Petty Sessions the Amount of the Postage prepaid by them for the Transmission of such Information; and the Sums so presented shall be levied as other Monies presented by such Grand Jury.

Grand Jury to present Amount of Postage.

XXI. In

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Hearing the Case—Summary Jurisdiction.

XXI. In all Cases of Summary Jurisdiction the Proceedings upon the Hearing of the Complaint shall be subject to the following Provisions:

Where both Parties appear, Case to be heard on both Sides.

1. Whenever the Defendant or his Agent shall be present the Substance of the Complaint shall be stated to him, and if he thereupon admit the Truth of the Complaint, then the Justices shall, if they shall see no sufficient Reason to the contrary, convict or make an Order against him accordingly, but if he do not admit the Truth of the Complaint, then the Justices shall proceed to hear such Evidence as may be adduced in support of the Complaint, and also to hear the Defence, and such Evidence as may be adduced on behalf of the Defence, and also such Evidence as the Complainant may adduce in reply, if such Defendant shall have given any Evidence other than as to his the Defendant's general Character; but the Complainant or his Agent shall not be entitled to make any Observations in reply upon the Evidence given by the Defendant, nor shall the Defendant or his Agent be entitled to make any Observations in reply upon the Evidence given by the Complainant in reply; and if the Information or Complaint shall negative any Exemption, Exception, Proviso, or Condition in the Statute on which the same shall be framed, it shall not be necessary for the Complainant to prove such Negative, but the Defendant may prove the Affirmative thereof, if he will have Advantage of the same:

Right of Reply.

Proof of a Negative.

Where Defendant does not appear, Hearing may be ex parte.

2. Whenever the Defendant or his Agent shall not appear at the Time and Place mentioned in the Summons, and it shall appear to the Justices on Oath that the Summons was duly served, a reasonable Time before the Time therein appointed for appearing, and no sufficient Grounds shall be shown for an Adjournment, the Justices may either proceed ex parte to hear and determine the Complaint, or may adjourn the Hearing to a future Day:

Where Complainant does not appear, Case to be dismissed or adjourned.

3. Whenever the Defendant or his Agent shall appear at the Time and Place appointed in the Summons, or shall be brought before the Justice by virtue of any Warrant, then, if the Complainant (having in the Case of a Warrant had due Notice of the Defendant's Arrest) do not appear by himself or his Agent, the Justices may either dismiss such Complaint, or may adjourn the Hearing to a future Day:

Justices to take down Evidence in Offence Cases in Writing, if required by Party.

4. Whenever any Justices shall proceed to hear and determine any Complaint or Information as to an Offence, they, or One of them, shall, when required so to do by either Party, or his Agent, take or cause to be taken a Note in Writing of the Evidence, or of so much thereof as shall be material, in a

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Hearing the Case.— Summary Jurisdiction.

Book to be kept for that Purpose by the Clerk of Petty Sessions, and which Book shall be signed by One of the Justices by whom such Information or Complaint shall have been heard on the Day on which the same shall have been determined:

Justices may adjourn the Court generally, or may adjourn particular Cases;

And whenever all the Cases shall not have been heard and determined on any Court Day, the Justices then present may adjourn the remaining Cases either to the next Court Day or to such other Day as they shall see fit; and whenever, either before or during the Hearing of any Complaint, it shall appear advisable, the Justices present may, in their Discretion, adjourn the Hearing of the same to a certain Time or Place to be then appointed and stated in the Presence and Hearing of the Party or Parties or their Agents; and all Persons whose Attendance shall have been required by any Summons in any of the Cases so adjourned shall take notice of such Adjournment, and shall be obliged to attend on the Day to which such Adjournment shall take place, without the Issue or Service of any further Summons; and in all Cases of such Adjournments the said Justices may suffer the Defendant to go at large, or,

and either allow Defendant to go at large, or commit him, or bind him by Recognizance to appear.

in Prosecutions for Offences (where there shall be an Information in Writing and on Oath that the Defendant is guilty of the Offence,) may commit him to Gaol by Warrant (E b.), or may discharge him upon his entering into a Recognizance (C.), with or without Sureties, at the Discretion of the Justices, conditioned for his Appearance at the Time and Place to which such Hearing or further Hearing shall be adjourned.

Adjudication of Case.— Summary Jurisdiction.

XXII. In all Cases of Summary Jurisdiction the Justices, having heard what each Party shall have had to say, and the Evidence adduced by each, shall either make such Order as shall be authorized by the Act under which the Complaint shall be made, or shall dismiss the Complaint either upon the Merits or without Prejudice to its being again made; and the Entry of the Order so made shall be as follows:

Justices either to convict, or to dismiss the Complaint on the Merits, or without Prejudice.

Entry of Orders.

1. One of the Justices then present shall thereupon enter or cause the Clerk to enter the Particulars of such Case and the Substance of the Decision thereon in a Book to be kept for that Purpose, to be called the "Order Book," according to the Form (D.) (and shall, in case of a Dismissal, state whether the same is upon the Merits or without Prejudice to a further Complaint); and such Entry, when One of the Justices present shall have signed his Name opposite to it or after it (which One of the said Justices is hereby required to do), shall be deemed to all Intents and Purposes a Conviction or Order, as the Case may be:

2. Whenever

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Adjudication of Case — Summary Jurisdiction.

2. Whenever any Justice or Justices shall have made any such Conviction or Order out of Petty Sessions, in the Cases permitted by this Act to be decided out of Petty Sessions, he or they shall enter the Substance of the Decision in the Form of Certificate (I a.), and shall forthwith, or at furthest before the next Court Day, deliver or forward such Certificate to the Clerk of Petty Sessions of the District, who shall enter the same in the proper Order Book (with a special Note that he has so done), and shall submit such Entry for Signature to the Justice or One of the Justices by whom the Order shall have been made upon the next Day of his Attendance at Petty Sessions; but in case such Justice shall not sign the same, the Clerk shall make a special Entry to that Effect in the Order Book opposite to such Case, and shall preserve the original Certificate as a Record of the Proceeding:

If Order made out of Petty Sessions.

Return and Entry of Cases decided out of Petty Sessions in which Constabulary prosecute or act.

3. The Sub-Inspector of Constabulary of the District shall make a Return to the Justices at each Petty Sessions of the Particulars of any Cases of Summary Jurisdiction in which any Justices of the said Petty Sessions shall have made any Order or issued any Warrant out of Petty Sessions, and in which any Head or other Constable of such District shall have been engaged, since the next preceding Petty Sessions:

Copies of Convictions need not be returned to Quarter Sessions as hitherto.

But Certificate of Order to be given to Party;

and Certificate of a Dismissal on the Merits to be a Bar to future Proceedings;

and to be good Evidence of Conviction.

And it shall not hereafter be necessary to return to Quarter Sessions Copies of the Summary Convictions so made and entered at Petty Sessions; but, if either Party shall require it, a Certificate (Form I a.) of any Order so made (signed by One of the Justices who shall have made the same, or by any other Justice of the same Petty Sessions,) shall be delivered to him at any Time, and such Certificate shall operate to all Intents as a good Form of Conviction or Order, as the Case may be, for any Purpose for which any other Form of Conviction or Order may now by Law be required; and in case of a Dismissal, where the same shall be stated therein by the Justice to have been a Dismissal on the Merits, or that any Assault was of a trifling or justifiable Nature (and which he is hereby required to state if the Case be so), such Certificate upon being produced shall be a Bar to any subsequent Information or Complaint for the same Matter against the same Party; and in any such Case such Certificate shall, on Proof of the Signature of the Justice to the same, be received as good Evidence of the Conviction or Order in all Courts of Justice.

General Powers in adjudicating.

XXIII. In all Cases of Summary Jurisdiction it shall be lawful for the Justices in adjudicating thereon to exercise the following general Powers,

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Adjudication of Case.— Summary Jurisdiction.

Powers, whether the same shall be authorized by the Act under which the Complaint shall be made or not:

CLAUSE F.

Justices may in all Cases fix the Time and Manner of Payment.

1. In every Case where the Justices shall be authorized to award any Penal or other Sum, they may Order that the same shall be paid either forthwith or at such Time as they shall see fit to fix for that Purpose, and, in Cases of a Civil Nature, that such Sum may be paid either at once or by Instalments:

In all Cases Distress may be ordered on Nonpayment

2. In every Case where the Justices shall award any Penal or other Sum to be paid, they may order that, in default of the said Sum being paid at the Time and in the Manner directed by their Order, the Goods of the Person against whom the said Order shall be made shall be distrained for such Sum, or for so much of such Sum as shall remain unpaid at the Time fixed, and also for the Costs of such Distress:

In Offence Cases Imprisonment may be ordered in default of Distress, according to Scale;

3. In every Case of an Offence where they shall order that a Distress shall be made in default of Payment of any Penal Sum, they may order that in default of the said Sum being paid as directed the said Person shall be imprisoned for any Term not exceeding the Period specified in the following Scale:

For any Sum	The Imprisonment not to exceed
Less than 5*s.* - - - -	One Week.
Exceeding the last, but less than 10*s.* -	Two Weeks.
Exceeding the last, but less than 2*l.* -	One Month.
Exceeding the last, but less than 5*l.* -	Two Months.
Exceeding the last, but less than 10*l.* -	Three Months.
Exceeding the last, but less than 30*l.* -	Four Months.
Exceeding the last, but less than 50*l.* -	Six Months.
Exceeding the last - - -	One Year;

and may be directed by same Warrant.

And any such Imprisonment shall be determinable upon Payment of the said Sum and Costs and any Costs of the Distress, where a Distress shall have been made; and such Imprisonment may be directed in the same Warrant as such Distress; but if the said Person shall admit, or if it shall be otherwise proved on Oath, that he has no Goods, or that a Distress would be ruinous to him or his Family, they may order that such Person shall be imprisoned in the first instance for the like Period for which he might be imprisoned in default of Distress:

So also in like Cases in the first instance where no Goods or the Distress would be ruinous.

In Offence Cases Justices at Petty Sessions may substitute

4. In every Case of an Offence, where the Order shall only have directed Distress in default of Payment of a Penal Sum, and it shall afterwards be found impossible to execute a Warrant

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Warrant of Distress, it shall be lawful for the Justices at Petty Sessions to order a Warrant to issue to commit the Person against whom such Order shall have been made to Gaol for such Period as might have been directed by the original Order; and in like Manner where the Order shall have only directed Imprisonment, and it shall be found impossible to execute a Warrant of Committal, it shall be lawful for the Justices at Petty Sessions to order a Warrant to issue to levy by Distress of the Goods of such Person such Penal Sum as might have been awarded by the original Order; and in all such Cases a Note of such Proceeding shall be made by the Justices in the Order Book: Distress for Committal, and vice versâ on Failure of First Warrant.

5. In every Case of an Offence, where the Act shall authorize the Justices to order Imprisonment, they may adjudge by their Order that the said Imprisonment shall be either with or without Hard Labour, according as they shall see fit: Power to award Hard Labour in Offence Cases.

6. In every Case of an Offence, where the Person, against whom an Order to imprison shall be made, shall then be in Prison undergoing Imprisonment upon a Conviction for any other Offence, it shall be lawful for the Justice issuing the same, if he shall think fit, to order therein that the Imprisonment shall commence at the Expiration of the Imprisonment to which such Person shall have been previously sentenced: Imprisonment may commence at Expiration of Imprisonment under previous Conviction.

7. In every Case where any Sum shall be awarded under the Provisions of any Act as Compensation for Damage, or as the Value of any Article, or as the Amount of any Injury done, such Sum shall in the Case of private Property be paid to the Party aggrieved, if known, and where the Party aggrieved is unknown, or in the Case of Property of a public Nature or wherein any public Right is concerned, such Sum shall be applied in like Manner as any Penalties awarded to the Crown; and where several Persons join in an Offence, and are severally punished each in the Amount of the Injury done, no more than One of such Sums shall be paid to the Party aggrieved, and the rest shall be applied as other Penalties awarded to the Crown: Any Compensation awarded shall be paid to Party aggrieved, except in certain Cases.

8. In every Case where the Act under which any Penal Sum shall be ordered to be paid as a Penalty for an Offence (and no Sum shall be awarded to the Complainant as Compensation for Damage), it shall be lawful for the Justices to award any Sum not exceeding One Third of such Penal Sum to the Prosecutor or Informer, and the Remainder of such Sum and all other Penal Sums shall be awarded to the Crown, any Act or Acts to the contrary notwithstanding: Appropriation of Fines and Penalties.

9. In

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Adjudication of Case — Summary Jurisdiction.

Power to award Costs in all Cases to either Party.

9. In all Cases the Justices may order that the Defendant shall pay to the Complainant, or in case of a Dismissal that the Complainant shall pay to the Defendant, such Sum, not exceeding Twenty Shillings, for Costs, as to such Justices shall seem fit, and the same shall be recoverable in the same Manner as any Penal or other Sum adjudged to be paid by the Justices:

Aiders and Abettors in the Commission of Offences to be punishable on Summary Conviction as Principals.

Provided always, that every Person who shall aid, abet, counsel, or procure the Commission of any Offence which is or shall be punishable on Summary Conviction, shall be liable to be proceeded against and convicted for the same, either together with the principal Offender or before or after his Conviction, and shall be liable, on Conviction, to the same Forfeiture and Punishment to which such principal Offender shall be by Law liable (except where the Age of such Aider or Abettor shall exceed Fourteen Years, in which Case he shall be liable to the same Forfeiture and Punishment to which any principal Offender whose Age shall exceed Fourteen Years shall be liable), and may be proceeded against and convicted either in the County where such principal Offender may be convicted, or in that in which such Offence of aiding, abetting, counselling, or procuring may have been committed.

Enforcement of Orders.— Summary Jurisdiction.

In Offence Cases Warrant to issue peremptorily.

XXIV. In all Cases of Summary Jurisdiction, whenever an Order shall be made upon the Conviction of any Person for an Offence, it shall be lawful for the Justices and they shall of their own Accord issue the proper Warrant for its Execution forthwith, when the Imprisonment is to take place immediately, or at the Time fixed by the Order for the Imprisonment to take place where it is not to be immediate, or directly upon the Nonpayment of any Penal Sum or the Nonperformance of any Condition at the Time and in the Manner fixed by the Order for that Purpose, or at furthest upon the next Court Day after the Expiration of the Time so fixed for the Imprisonment, Payment, or Performance of a Condition, as the Case may be, unless the Imprisonment or Penal Sum shall have been remitted by the Crown or other competent Authority in the Interval; and whenever an Order shall be made in any Case of a Civil Nature, and the same shall not be obeyed, the Justice shall issue the proper Warrant for its Execution at any Time after the Time fixed for Compliance with its Directions, where required so to do, by the Person in whose Favour such Order shall have been made or by some Person on his Behalf: Provided always, that in every Case where the Party being entitled to appeal against any such Order shall have duly given Notice thereof, and entered into a Recognizance to prosecute the same in the Manner herein-after provided, it shall not be lawful for any Justice to issue any Warrant to execute the

In Civil Cases Warrants to issue on Application of Party;

but no Execution of Order pending an Appeal;

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the said Order until such Appeal shall have been decided, or until the Appellant shall have failed to perform the Condition of such Recognizance, as the Case may be, (except where any Act shall expressly authorize or direct the Levy of any Sum to be made notwithstanding the Appeal); and in any Case where any Person shall be in Custody, or shall have been committed to Gaol, or any Warrant of Distress shall have been issued or executed, under any such Order, the Justice by whom the Warrant shall have been issued, or any other Justice of the same County, shall, upon an Application being made to him in that Behalf, forthwith order the Discharge of such Person from Custody or from Gaol, or that such Warrant of Distress shall not be executed, or that if executed the Distress shall be returned to the Owner, as the Case may be.

Enforcement of Orders — Summary Jurisdiction.

except in certain Cases:

or if Warrant issued, not to be executed, or if executed, Party to be discharged or Distress to be returned.

XXV. In any Case of Summary Jurisdiction, where an Order shall be made by the Justices for Payment of any Penal or other Sum exceeding Forty Shillings, or for any Term of Imprisonment exceeding Two Months, or for the doing of anything at a greater Expense than Forty Shillings, or for the estreating of any Recognizance to a greater Amount than Forty Shillings, (but in no other Case,) the Party against whom such Order shall be made (whether he shall be the Complainant or the Defendant) shall be entitled to appeal to the next Quarter Sessions to be held in the same Division of the County wherein the Order shall have been made, (or to the Recorder at his next Sessions in every Case where no Assistant Barrister shall preside at Quarter Sessions for the Place in which the said Justices shall act,) unless when the said Sessions shall commence within Seven Days from the Date of the Order, in which Case, if the Appellant sees fit, the Appeal may be made to the next succeeding Sessions of such Division or Place; and such Appeal shall be subject to the following Provisions:

Appeals.— Summary Jurisdiction.

In what Cases Appeals shall be permitted.

Appeal only to next Quarter Sessions of the Division

1. The Appellant shall either give verbal Notice of his Intention to appeal, to the Justices, at the Time when the Order shall be made (of which Notice an Entry shall be made), or he shall serve Notice in Writing of his Intention to appeal upon the Clerk of Petty Sessions, within Three Days from the Date of the Order against which the Appeal shall be made:

Notice to be given within Three Days

2. He shall also within Three Days after such Notice as aforesaid enter into a Recognizance, according to the Form (C.), with Two solvent Sureties, conditioned to prosecute such Appeal, and the Amount of such Recognizance shall be double the Amount of the Sum and Costs ordered to be paid, where Payment only is ordered, or of such reasonable Amount as the Justices shall see fit, where Imprisonment is ordered:

Recognizance to prosecute Appeal.

Amount of Recognizance

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Appeals.—Summary Jurisdiction.

Form of Appeal.

3. The Appeal shall be according to the Form (H.), and it shall be therein certified by the Clerk of Petty Sessions that the said Form contains a true Statement of the Order made by the Justices, and that the necessary Notice was duly served, which the said Clerk is required to certify, if the Fact shall be so:

Recognizance to appeal to be transmitted to Clerk of Peace.

4. In every Case where an Appeal shall be so made, the Clerk of Petty Sessions shall transmit the Recognizance entered into to prosecute such Appeal and all other Proceedings in such Case to the Clerk of the Peace of the County or to the proper Officer of the Recorder's Court, at least Seven Days before the Commencement of the Sessions to which the Appeal shall be made, or as soon afterwards as may be practicable, in the same Manner as is herein-before provided for the Transmission of Informations as to Indictable Offences:

Clause G. Appellant to give Notice to opposite Party.

5. The Appellant shall give Notice in Writing to the opposite Party of his Intention to prosecute his Appeal at least Seven clear Days before the Commencement of the Sessions to which the Appeal shall be made:

Court of Quarter Sessions (or Recorder) may decide Appeal, and give Costs not exceeding 40*s*.

Clerk of Peace (or Recorder) to certify Decision,

or return Recognizance if Appeal is not prosecuted.

6. Whenever an Appeal shall have been so made, and such last-mentioned Notice shall have been duly given, it shall be lawful for the said Court of Quarter Sessions (or Recorder, as the Case may be) to entertain the same, and to confirm, vary, or reverse the Order made by the Justices (as so certified in such Form of Appeal), and to award to either Party any Sum not exceeding Forty Shillings for the Costs of such Appeal; and whenever the said Court of Appeal shall have decided any such Appeal, the Clerk of the Peace or Recorder, as the Case may be, shall certify such Decision at Foot of the Form of Appeal, and return the same and the said Proceedings to the Justices of the Petty Sessions at which the Order shall have been made, within Seven Days after such Appeal shall have been decided; and whenever any such Appeal shall not have been duly prosecuted, the Clerk of the Peace or Recorder, as the Case may be, shall in like Manner return such Recognizance and such Proceedings to the Justices of the Petty Sessions from which the same shall have been transmitted, with a Certificate of such Fact, within Seven Days after the Termination of the Sessions at which such Appeal ought to have been prosecuted, and which Certificate shall be free from any Charge:

If Order is not varied on Appeal, Justice shall issue War-

7. And whenever it shall appear from such Certificate that such Appeal has not been duly prosecuted, or that the original Order has been confirmed upon Appeal, the Justices who shall

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shall have made the original Order, or any other Justice of the same Petty Sessions, shall issue the proper Warrant for the Execution of the same, as if no such Appeal had been brought; and in every Case in which it shall appear from such Certificate that the Court of Appeal shall have varied the original Order, the said Justices shall forthwith issue the proper Warrant for the Execution of the Order so made by the Court of Appeal, in like Manner as they might have issued a Warrant for the Execution of the original Order in case no Appeal had been prosecuted; and if upon any such Appeal either Party shall be ordered to pay Costs, it shall be lawful for such Justices to enforce Payment of the same, in like Manner as any Costs awarded by the original Order; and in any Case where any Order by which any Person shall be adjudged to be imprisoned shall be confirmed on Appeal, such Person shall be liable to be imprisoned for the Period adjudged by the original Order, where he shall not have been apprehended under the original Order, or where he shall have so been apprehended and discharged, then for such Period as, together with the Time during which he shall so have been in Custody, shall be equal to the Period adjudged by the original Order:

rant for Execution of the same.

But where Order is varied, Warrant to issue for Execution of Order of Quarter Sessions.

Costs of Appeal how recovered.

CLAUSE H.

Where Party has been imprisoned, he is only to be imprisoned for Remainder of Period.

Provided always, that whenever the Party bound by Recognizance to prosecute an Appeal against an Order to imprison shall have absconded, or when the Party bound to prosecute an Appeal against an Order for Payment of any Penalty or other Sum shall have no Goods whereon to levy same by Distress, it shall be lawful for the Justices at the Petty Sessions where the original Order was made, and after like Proof of Notice to the Parties as in estreating other Recognizances in Summary Proceedings, to make an Order for estreating the Recognizance in any such Case to such Amount as they shall see fit, and for paying out of such Amount such Sum as shall have been directed to be paid to any Party by such original Order, and thereupon to issue a Warrant (E a.) for the Levy of the same upon the Goods of the several Persons bound thereby.

In certain Case, where Party fails to prosecute Appeal, Justice may estreat Recognizance.

XXVI. The Persons to whom Warrants shall be addressed for Execution shall be as follows:

Addressing Warrants.

1. All Warrants in Proceedings as to Offences punishable either by Indictment or upon Summary Conviction, which shall be issued in any Petty Sessions District, shall be addressed to the Sub-Inspector of Constabulary who shall act for the Place where the Petty Sessions for such District shall be held:

To whom to be addressed: in Offence Cases;

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In other Cases.

2. All Warrants in other Cases shall be addressed either to the Sub-Inspector of Constabulary in manner aforesaid, or to such other Person or Persons (not being the Complainant or a Party interested), as the Justices issuing the same shall see fit:

Committals need not be addressed to Gaoler.

And it shall not be necessary to address any Warrant of Committal to the Keeper of the Gaol, but upon the Delivery of any such Warrant by the Person charged with its Execution to the Keeper of the Gaol to which the Committal shall be made, such Keeper shall receive and detain the Person named therein, (or shall detain him if already in his Custody,) for such Period and in such Manner as it shall appear from the Warrant that the said Person is to be imprisoned; and in Cases of Adjournments or Remands such Keeper shall bring the said Person at the Time and Place fixed by the Warrant for that Purpose before such Justices as shall be there.

Gaoler to produce Prisoner in Cases of Adjournments or Remands.

Execution of Warrants.

XXVII. The Execution of Warrants addressed to the Constabulary shall be subject to the following Provisions:

Executing Constabulary Warrants in the District.

1. Whenever the Person against whom any Warrant so addressed to the Sub-Inspector of Constabulary shall have been issued shall be to be found in case of Committal, or shall have Goods in case of Distress, in any Place for which such Sub-Inspector shall act, it shall be lawful for the Sub-Inspector who shall act for the Time being for such Place, or for any Head or other Constable to be named by him, to execute the same:

Certifying to some other District of same County.

2. Whenever it shall appear that the said Person or his Goods, as the Case may be, are not to be found in any Place for which such Sub-Inspector shall act, but that they are to be found elsewhere in the same County, the said Sub-Inspector shall certify on the Warrant, according to the Form (G b.), the Place where he believes that the said Person or his Goods are to be found, and also (having first satisfied himself as to the Fact) that he believes the Signature to the Warrant to be genuine, and shall forthwith transmit the said Warrant to the Sub-Inspector who shall act for such last-mentioned Place, and the same shall be executed in like Manner as any Warrant addressed to him in the first instance:

Certifying out of the County.

3. Whenever it shall appear that the said Person or his Goods, as the Case may be, are not to be found in the County to which such Sub-Inspector shall belong, but that they are to be found elsewhere out of the said County, the said Sub-Inspector shall, as before, certify on the Warrant, according to the Form (G b.), and forthwith transmit the same to the Inspector General of the Constabulary Force, to be backed as herein-after mentioned:

But in case of Emergency War-

Provided always, that in any Case of Emergency it shall be lawful for the Justice by whom any Warrant shall be issued to the Constabulary,

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bulary, to address the same to any Head or other Constable of the County; and it shall be lawful for such Head or other Constable to execute such Warrant at any Place within the County in which the Justice issuing such Warrant shall have Jurisdiction, or in Case of fresh Pursuit of an Offender at any Place in the next adjoining County; but the Head or other Constable to whom any such Warrant shall be so addressed, shall, if the Time will permit, show or deliver the same to the Sub-Inspector under whose Command the said Head or other Constable shall be, who shall proceed in respect to the same according to the Acts regulating the Constabulary Force.

Warrant may be executed by any Head Constable, &c. in the same or adjoining County.

XXVIII. Whenever any Warrant addressed to the Constabulary shall be so certified and transmitted to the said Inspector General, the Manner in which it shall be backed for Execution elsewhere shall be as follows:

Backing Constabulary Warrants:

1. Whenever it shall appear that the said Person or his Goods are to be found in any Place in Ireland (not being within the Police District of Dublin Metropolis), it shall be lawful for the said Inspector General or for either of the Deputy Inspectors General of Constabulary to indorse the said Warrant according to the Form (G c.) and to transmit the same to the Sub-Inspector who shall act for such Place, and the same shall be executed in like Manner as any Warrant addressed to him in the first instance:

To any Constabulary District in Ireland:

2. Whenever it shall appear that the said Person or his Goods are to be found in the Police District of Dublin Metropolis, it shall be lawful for the said Inspector General, or for either of the said Deputy Inspectors General, to indorse the said Warrant according to the Form (G c.), and to transmit the same to the Commissioners of Metropolitan Police, and the same shall be executed in like Manner as any Warrant addressed to them in the first instance:

To the Police District of Dublin Metropolis:

3. Whenever it shall appear that the said Person or his Goods are to be found in some Place in England or Scotland, or in the Isles of Man, Guernsey, Jersey, Alderney, or Sark, it shall be lawful for the said Inspector General, or for either of the said Deputy Inspectors-General, in like Manner as before, to indorse the Warrant, according to Form (G c.), and it shall thereupon be lawful for any Justice or Officer having Power to issue any Warrant, or Process in the Nature of a Warrant, for the Arrest of Offenders in any of the said Places, upon Proof on Oath of the Handwriting either of the Inspector or Deputy Inspector General by whom the same shall have been indorsed

To England, &c.

Inspector General, &c. to indorse;

and any Justice, &c. may back.

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Execution of Warrants.

or of the Justice by whom the Warrant shall have been issued, to indorse the same, according to the Form (G c.), authorizing its Execution within the Jurisdiction of the said Justice or Officer by the Person bringing the same, or by any Constable or other Peace Officer of the County or Place where it shall be so indorsed:

The above Provisions also to apply to other Cases.

And the said Provisions shall also apply to Cases in which the Sub-Inspector shall only certify that the Signature to the Warrant is genuine, but in which the Place where the said Person or his Goods are to be found shall appear by other Means than the said Certificate.

Backing Warrants addressed to other Persons than the Constabulary.

XXIX. Whenever a Warrant shall be addressed to any other Person or Persons than the Constabulary, and it shall appear that the Person against whom the same shall have been issued or his Goods, as the Case may be, are not to be found within the County in which the Justice issuing the same shall have Jurisdiction, but in some other Place in Ireland, or in any of the Places out of Ireland herein-before mentioned, it shall be lawful for any Justice or other such Officer as aforesaid of such Place, upon Proof on Oath of the Handwriting of the Justice who shall have signed the Warrant, to indorse the same for Execution in such Place in like Manner as is herein-before provided as to any Warrant indorsed by the Inspector General of Constabulary.

Backing Warrants from England, &c. into Ireland.

XXX. Whenever any Person against whom any Warrant shall be issued by any Justice or other such Officer as aforesaid in England or Scotland, or in the Isles of Man, Guernsey, Jersey, Alderney, or Sark, for any Crime or Offence, shall reside or be or be suspected to reside or be in any Place in Ireland, it shall be lawful for the said Inspector General or for either of the said Deputies Inspector General, or for any Justice of the said last-mentioned Place, to indorse the same in like Manner and upon like Proof as aforesaid, authorizing the Execution of the same within his Jurisdiction.

The above Provisions to apply also to Judges Warrants.

XXXI. The aforesaid Provisions as to the Indorsement of Warrants shall equally apply to any Warrants for the Arrest of any Person charged with any Indictable Crime or Offence for which he is punishable by Law, whether the same shall be signed or indorsed or issued by a Justice of the Peace, or by a Judge of Her Majesty's Court of Queen's Bench, or Justices of Oyer and Terminer and General Gaol Delivery, in England or Ireland, or by the Lord Justice General, Lord Justice Clerk, or any of the Lords Commissioners of Justiciary, or by any Sheriff or Steward Depute or Substitute, in Scotland, or by the Chief Secretary of Ireland.

XXXII. When-

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Execution of Warrants.

XXXII. Whenever any Warrant, addressed either to the Constabulary or to any other Person, shall be so indorsed by the said Inspector General or by either of the said Deputies Inspector General, or by any Justice or other such Officer as aforesaid, it shall be a sufficient Authority to the Person bringing such Warrant, and also to all Constables or Peace Officers of the County or Place where such Warrant shall be so indorsed, to execute the same by Arrest, Committal, or Levy, as the Case may be, within the Jurisdiction of the said Justice or Officer, and in case of a Warrant to arrest any Person, to convey him when arrested before the Justice or Officer by whom the same was issued, or before some other Justice or Officer of the same County or Place, and which said Justice or Officer shall thereupon proceed in such Manner as if the said Person had been arrested in such last-mentioned County or Place: Provided always, that if the Prosecutor, or any of the Witnesses for the Prosecution, in Cases of Indictable Offences, shall then be in the County or Place where any Person shall have been arrested under any Warrant so backed as aforesaid, the Constable or other Person who shall have arrested such Person shall, if so directed by the Justice who shall have indorsed the Warrant, take the Person so arrested before him or some other Justice of the same County or Place, and the said Justice may thereupon take the Examinations of such Prosecutor or Witnesses, and proceed in every respect as herein-before directed with respect to Persons charged before a Justice with an Indictable Crime or Offence alleged to have been committed in any other County or Place than that in which such Person shall have been arrested.

Warrants so backed to be valid for Execution;

but if the Prosecutor or Witnesses be on the Spot, Examinations may be taken.

Return of unexecuted Warrants.

XXXIII. Whenever the Person to whom any Warrant shall be so addressed, transmitted, or indorsed for Execution shall be unable to find the Person against whom such Warrant shall have been issued, or his Goods, as the Case may be, or to discover where such Person or his Goods are to be found, he shall return such Warrant to the Justices by whom the same shall have been issued within such Time as shall have been fixed by such Warrant (or within a reasonable Time where no Time shall have been so fixed), and together with it a Certificate (G a.) of the Reasons why the same shall not have been executed; and it shall be lawful for such Justice to examine such Person on Oath touching the Nonexecution of such Warrant, and to re-issue the said Warrant again, or to issue any other Warrant for the same Purpose from Time to Time as shall seem expedient.

Distraining or committing: When Warrant addressed to Constabulary;

XXXIV. The Manner in which Distresses and Committals under Warrants shall be made shall be as follows:

1. Whenever the Warrant shall be to levy any Penal or other Sum by Distress, and it shall be addressed to the Constabulary, it shall be

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Execution of Warrants.

when addressed to other Persons.

be executed, and the Sums levied under it shall be accounted for, under the Provisions of the "Fines Act, Ireland, 1851;" but whenever any such Warrant shall be addressed to any other Person than the Constabulary, such Person shall pay over the Sum levied under it to the Person who shall appear by such Warrant to be entitled to the same, or in such other Manner, and subject to such Account of the same, as the Justices shall direct:

In Cases of Committal Gaoler to give Receipt for Prisoners.

2. Whenever the Warrant shall be to commit any Person to Gaol, the Head or other Constable who shall have the Charge of any such Warrant and Person shall deliver over the said Warrant and the said Person to the Keeper of the Gaol, who shall thereupon give to such Head or other Constable a Receipt for such Person (Form F.) setting forth the State and Condition in which he shall have been delivered into the Custody of such Keeper:

To what Prisons Offenders shall be committed in Summary Proceedings.

3. In any Case of Summary Jurisdiction in which a Justice shall order any Person to be committed to Gaol for any Period, either in default of Payment of any Sum, or in default of Distress, or as a Punishment for any Offence, such Committal shall be to the County Gaol, District Bridewell, or House of Correction of the County in which the Party shall be arrested, unless where such Arrest shall be made in any County adjoining to that in which the Warrant shall have been issued, in which Case the Committal shall be to any of the said Prisons of such last-mentioned County; and whenever any Justices shall order any Person to be committed on account of any Adjournment of the Hearing, or until the Return of a Warrant of Distress, or for any like temporary Purpose, such Committal shall be either to the Gaol or House of Correction, District Bridewell, or to any Bridewell or Lock-up of the County built or supported by County Presentment, according as shall appear to the Justices most convenient for that Purpose:

Expenses incurred in conveying Prisoners;

in Pursuit of Offenders;

And in every Case where any Expenses shall have been actually incurred or shall be proper to be incurred by any County Inspector, Sub-Inspector, Head or other Constable, Gaoler, Bridewell Keeper, or other Person, in conveying any Prisoner to or from any County Gaol, or Bridewell, or House of Correction, or other Place, or for Examination before any Justice or Coroner in Ireland, or to or from any Assizes or Sessions or other Place in Ireland, or from any County Gaol or Bridewell, or other Place, to a District Lunatic Asylum in Ireland; or in the Pursuit of any Person charged with the Commission of any Offence in any Part of Ireland, to whatever Place in the United Kingdom of England, Ireland, and Scotland, or elsewhere, he

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he may have escaped, or to which there shall be reasonable and probable Grounds for supposing he has escaped; or in the Conveyance of any Witnesses for Examination before a Justice or Coroner, or to any Assizes or Quarter Sessions; or in the Conveyance of any stolen Property to any Assizes or Sessions, by Order of any Justice or other lawful Authority; or in attending at any Assizes or Sessions out of his proper County, to prosecute any Offence committed within the County where he shall so attend for such Purpose, it shall be lawful for the Justice before whom any such Prisoner shall be taken, or under whose Authority any such Officer, Constable, or other Person shall have acted, or for any Justice of the County or Place wherein the Offence shall be charged to have been committed, to deliver to such Officer, Constable, or other Person a Certificate (I. d.) in Writing that he is entitled to his Expenses to such Extent as such Justice shall think reasonable and necessary, and also to his Expense of returning again; and such Expenses shall be defrayed by the proper Officer of Constabulary of the County in which the Offence shall be charged to have been committed, out of any Funds in his Hands applicable to the Maintenance of the said Constabulary Force, and the same shall be allowed to him in his Account as if the same had been a Disbursement in respect of the said Force, and be subject to the like Audit and Examination; and the whole of the Monies so from Time to Time paid in liquidation of the Expenses incurred in any of the before-mentioned Cases shall be included and stated in the Certificate which the Inspector General of the said Force is now by Law required to prepare of the Monies chargeable on such County, County of a City, or County of a Town in respect of the said Constabulary Force, and shall, over and above, and in addition to the Monies so chargeable on such County, County of a City, or County of a Town in respect of the said Force, be presented by the Grand Jury thereof, to be levied off the said County, and when levied shall be paid over, together with such Monies, to the proper Person appointed to receive the same.

Execution of Warrants.

in carrying Witnesses; in carrying stolen Property, and in attending Assizes, &c.;

to be certified by Justice;

and to be paid by proper Officer of Constabulary.

The Amount to be certified by Inspector General for Payment by the Counties.

XXXV. Whenever any Person shall be bound to prosecute, or to appear, or to keep the Peace, it shall be done by a separate Recognizance (C.); but whenever any Person shall be bound to give Evidence as a Witness, it may be done either by Recognizance at Foot of his Deposition (A b.), or by a separate Recognizance at the Discretion of the Justice; and the taking of every Recognizance shall be subject to the following Provisions:

Recognizances.

Mode of binding by Recognizance.

1. It shall be in such Amount as the Justice shall, in his Discretion, think expedient, except in Cases of Appeal, in which the Amount shall be as herein-before provided:

Amount of Recognizance:

2. It shall particularly specify the Profession, Trade, or Occupation of every Person entering into the same, together with his

To contain particular Description

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Recognizances.

of Parties bound:

Christian and Surname, and the Name of the Parish and Townland or Town in which he resides, and if he resides in a Town the Name and Number, if any, of the Street in which he resides, and whether he is Owner or Tenant thereof, or a Lodger therein:

To be in Form in Schedule.

3. Every Recognizance so taken according to the Form in the Schedule to this Act, or to the like Effect, either at Foot of the Deposition or by a separate Form, shall have the like Force and Effect in binding the Lands, Tenements, Goods, and Chattels of the Persons acknowledging the same, and in all other respects, which any Recognizance now by Law has:

Recognizances to appear, &c. at Assizes, &c. to be transmitted to Clerks of Crown, &c., and to be estreated by Court.

Recognizances to appear before Justices, or to keep the Peace, &c. to be deposited with Clerk of Petty Sessions;

and may be estreated by Justices;

after Proof on Oath of Notice to Parties.

And whenever the Condition of any such Recognizance shall be to appear at Assizes or Quarter Sessions, or at any Place other than before any Justice or Justices, or to perform the Duties of Petty Sessions Clerk, it shall be forwarded to the Clerk of the Crown or Peace as herein-before provided, and shall be liable, upon any Breach of the Condition thereof, to be estreated in the same Manner as any forfeited Recognizance is now by Law liable to be estreated by the Court before which the principal Party thereto shall have been bound to appear: But whenever the Condition of such Recognizance shall be to keep the Peace, or to appear before any Justice out of Quarter Sessions, or to perform the Duties of a Pound Keeper, it shall be deposited with the Clerk of Petty Sessions of the District by the Justice by whom it shall have been taken, and upon Non-performance of the Condition thereof any Justice who may then be there present may certify on the Recognizance the Nonperformance of the said Condition, and it shall thereupon be lawful for the Justices sitting at the Petty Sessions of the District, either upon such Certificate, or upon Proof of the Nonperformance of the said Condition, to make an Order to estreat such Recognizance to such Amount as they shall see fit, and thereupon to issue a Warrant (E a.) to levy such Amount by Distress and Sale of the Goods of the Parties who shall have acknowledged the same: Provided always, that in every Case where any Justices shall order any such Recognizance to be estreated, Proof shall be first made on Oath that Notice in Writing (stating the general Grounds on which it is intended to sustain the Application), was left at the usual Place of Abode of the Party or of each of the Parties, if more than One, against whom it is sought to put such Recognizance in force at least Seven Days before the Day on which the Application to estreat such Recognizance shall be made.

Offences against this Act.

XXXVI. Any of the Officers or Persons herein-after mentioned who shall commit any of the Offences or Neglects herein-after mentioned, and who shall be convicted thereof before any Two Justices of the

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the County sitting at Petty Sessions, shall be liable to forfeit for every such Offence or Neglect the Penalties herein-after mentioned; (that is to say,)

Entry of Summonses.

Any Clerk of Petty Sessions who shall neglect or refuse to enter any Summons in the Order required under the Provisions of this Act shall be liable to a Penalty not exceeding Forty Shillings:

Clerk taking more than his legal Fees.

Any Clerk of Petty Sessions who shall demand or receive any other or different Fees, or any greater Amount of Fees, as to any Proceedings in any Case, than he can legally demand or receive under this Act, shall be liable to a Penalty not exceeding Five Pounds:

Clerk engaging in Occupation inconsistent with his Duties.

Any Person who whilst he shall hold the Office of Petty Sessions Clerk shall practise as an Attorney or Solicitor in any Case at such Petty Sessions or at the Quarter Sessions of the Division of the County in which such Petty Sessions shall be situated, or act as the Clerk of any Attorney or Solicitor so practising, or as the Clerk of a Poor Law Union, or as a Collector of any Public Tax, or as a Pound Keeper, or as the Keeper or Partner in keeping any Inn or Public House, or who shall engage in any other Business or Occupation which the Justices or the Lord Lieutenant shall have forbidden as inconsistent with his Duties as Petty Sessions Clerk, shall be liable to a Penalty not exceeding Twenty Pounds:

Service of Summonses.

Any Summons Server or other Person who shall make any wilful Default in serving any Summons shall be liable to a Penalty not exceeding Forty Shillings:

Constabulary, &c. not returning Warrants or committing any wilful Default.

Any Sub-Inspector, Head or other Constable, or other Person who shall neglect to return any unexecuted Warrant at the Time required by the Justices, or who shall commit any wilful Default in respect to the Execution of the same, shall be liable to a Penalty not exceeding Five Pounds:

Retaining Petty Sessions Books, &c.

Any Person in whose Possession any Books, Papers, or other Effects belonging to the Justices at Petty Sessions, or relating to such Court, shall be, upon or after the Death, Resignation, Suspension, or Dismissal of any Petty Sessions Clerk, and who shall refuse to deliver up the same to the Sub-Inspector or Head Constable or other Person directed by the Justices under the Provisions of this Act to demand the same, shall be liable to a Penalty not exceeding Ten Pounds:

Hindering Search for Books, &c.

Any Person who shall oppose or hinder any Search under any Warrant issued by the Justices for the Discovery of any such Books, Papers, or other Effects, shall be liable to a Penalty not exceeding Five Pounds:

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Any other Neglect of Duty.

Any other Person having any other Duty to perform under the Provisions of this Act, and who shall wilfully neglect to perform the same, shall be liable to a Penalty not exceeding Five Pounds:

Justices may award the foregoing Penalties.

And it shall be lawful for the said Justices to award the said Penalties; and if the same shall be imposed upon any Member of the Constabulary Force, the Amount shall be deducted from his Pay; but if imposed on any other Person, then in default of Payment thereof forthwith, or at such Time as the Justices shall fix, such Person may be committed to Prison for the like Period, in proportion to the Amount of the Penalty imposed, for which the Justices are authorized to commit any Offender in default of Distress for any other Penalty under the Provisions of this Act.

Forms of Procedure.

Forms in the Schedule to be deemed valid, and the proper Forms in all Proceedings.

but Informality not to vitiate any Proceeding.

XXXVII. In all Proceedings under this Act the several Forms in the Schedule to this Act contained, or Forms to the like Effect, shall be deemed good, valid, and sufficient in Law, and shall be the proper Forms to be used, even in Cases in which other and different special Forms shall be or shall have been provided by the particular Act or Acts under which the Information or Complaint shall be made, and such last-mentioned Forms shall no longer be the proper Forms to be used in such Cases; but no Departure from any of the said Forms, or Omission of any of the Particulars required thereby, shall vitiate or make void the Proceeding or Matter to which the same shall relate, if in Substance and Effect the Form used be otherwise sufficient in Law; and it shall be sufficient in any of the Forms provided by this Act to state Sums of Money either in Words or Figures, according as the Person using the same shall see fit: Provided always, that it shall be lawful for the Lord Lieutenant, from Time to Time, with the Advice and Consent of the Privy Council, to extend the said Form of Order Book (D.) so far as to adapt it to any like Proceedings either new or not provided for therein.

Form of Order Book may be extended by Lord Lieutenant in Council.

General Terms to be used in the Forms of Procedure.

XXXVIII. And with a view to simplify Forms, the Prosecutor or Party at whose Instance the Proceeding shall take place may be termed in such Forms the "Complainant," whether he shall be an Informant or Prosecutor or otherwise; and the Matter of the Proceeding may be termed the "Complaint," whether founded on an Information or otherwise; and in Summary Proceedings the Decision of the Justices may be termed their "Order," whether the same shall be a Conviction or otherwise.

Description of the Property of Partners, &c.;

XXXIX. It shall be sufficient, in any Information or Complaint, or the Proceedings thereon, to describe the Property belonging to or in the Possession of Partners, Joint Tenants, Parceners, or Tenants in Common,

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Common, as the Property of any One of such Persons who shall be named, and another or others, as the Case may be; and any Work or Building made, maintained, or repaired at the Expense of any County or Place, or any Materials for the making, altering, or repairing of the same, as the Property of the Inhabitants of such County or Place respectively; and any Goods provided by Guardians of the Poor or their Officers respectively for the Use of the Poor, as the Goods of the Guardians of the Poor of the Union to which the same belong, without naming any of them; and any Materials and Tools provided for the Repair of Highways at the Expense of Baronies or other Districts in which such Highways may be situate as the Property of the County Surveyor or Surveyors respectively, without naming him or them; and any Materials or Tools provided for making or repairing any Turnpike Road, and any Buildings, Gates, Lamps, Boards, Stones, Posts, Fences, or other Things erected or provided for the Purpose of any such Turnpike Road, as the Property of the Commissioners or Trustees of such Turnpike Road, without naming them; and any Property of any Persons described in any Act of Parliament, or in any Charter or Letters of Incorporation, as Commissioners, Directors, Trustees, or by any other general Designation whatsoever, as the Property of such Commissioners, Directors, Trustees, or Persons described by such other general Designation, without naming them; and whenever it may be necessary to mention any of such Persons or Parties in any Suit, Information, or Complaint, it shall be sufficient to describe them in manner aforesaid.

Forms of Procedure

of the Property of Counties;

of the Property in Goods provided for the Poor;

of the Property in Materials for Roads;

of the Property in Materials for Turnpike Roads, &c.

of the Property of Commissioners, &c.

XL. In Cases of Summary Proceedings no Variance between the Information or Complaint and the Evidence adduced in support thereof, as to the Time at which the Offence or Cause of Complaint shall be alleged to have been committed or to have arisen, shall be deemed material, if it be proved that such Information or Complaint was in fact laid or made within the Time limited by Law for laying or making the same; and any Variance between such Information or Complaint and the Evidence adduced in support thereof, as to the Place in which the same shall be alleged to have been committed or to have arisen, shall not be deemed material, provided that the said Offence or Cause be proved to have been committed or to have arisen within the Jurisdiction of the Justice or Justices by whom such Information or Complaint shall be heard and determined; and no Objection shall be taken or allowed in any Proceedings to any Information, Complaint, Summons, or Warrant for any alleged Defect therein in Substance or in Form, or for any Variance between such Information, Complaint, or Summons and the Evidence adduced on the Part of the Complainant or Prosecutor at the

No Objection to be allowed for any Variance between Information and Evidence as to Time or Place of committing Offence, if Information be in Time, or Offence be actually committed within the Jurisdiction.

No Objection to be allowed for Defect of Substance or Form in Warrant, or for any Variance between it and

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Evidence adduced; but if the Party charged is deceived by such Variation or Defect, he may be committed or discharged upon Recognizance till adjourned Hearing.

the Hearing of the Case in Summary Proceedings, or at the Examination of the Witnesses by a Justice or Justices in Proceedings for Indictable Offences: Provided always, that if any such Variance or Defect shall appear to the Justice or Justices at the Hearing to be such that the Defendant has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such Terms as he or they shall think fit, to adjourn the Hearing of the Case to some future Day, and in the meantime, in Cases of Proceedings for Offences, to commit the said Defendant to Gaol, or to discharge him, upon his entering into a Recognizance conditioned for his Appearance at the Time and Place to which such Hearing shall be so adjourned.

Miscellaneous Provisions.

Receipts not to be subject to Stamps.

XLI. No Receipt required to be given under the Provisions of this Act shall be subject to any Stamp Duty payable to the Crown.

Act not to extend to Police District of Dublin Metropolis.

XLII. Nothing in this Act shall extend to the Police District of Dublin Metropolis, or alter or affect in any Manner whatsoever any of the Provisions or Enactments contained in any Act regulating the Powers and Duties of Justices of the Peace or of the Police of the District of Dublin Metropolis, or be deemed applicable in any way to the same, save so far as relates to the backing of any Warrants, or to alter the Provisions of any Act or Acts whereby any Part of any County is annexed for the Purpose of Criminal Proceedings to any other County, or whereby any Offences committed in One County are authorized to be tried in any other County.

Act shall not extend to Revenue, &c. Cases.

XLIII. Nothing in this Act shall extend or be construed to extend to any Information or Complaint or other Proceeding under or by virtue of any of the Acts relating to Her Majesty's Revenue of Excise or Customs, Stamps, Taxes, or Post Office, or relating to the Preservation of Game, except that all Proceedings as to the same may be in the Forms of Procedure required by this Act, or as near thereto as the Circumstances of the Case will admit.

After Commencement of this Act the following Statutes and Parts of Statutes repealed:

7 & 8 G. 4. c. 67

6 & 7 W. 4. c. 34.

XLIV. The following Acts and Parts of Acts, so far as the same relate to Ireland, shall, from and after the First Day of November One thousand eight hundred and fifty-one, be and the same are hereby repealed; that is to say, an Act passed in the Seventh and Eighth Years of the Reign of King George the Fourth, intituled "An Act for the better Administration of Justice at the holding of "Petty Sessions by Justices of the Peace in Ireland," so far as relates to any Proceeding by Justices in or out of Petty Sessions; and an Act passed in the Sixth and Seventh Years of King William the Fourth, intituled "An Act to amend an Act passed in the "Seventh

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" Seventh and Eighth Years of the Reign of His Majesty King " George the Fourth, for the better Administration of Justice at the " holding of Petty Sessions by Justices of the Peace in Ireland," so far as relates to any Proceedings by Justices in or out of Petty Sessions; and an Act passed in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, intituled " An Act to facilitate the " Performance of the Duties of Justices of the Peace out of Quarter " Sessions in Ireland, with respect to Persons charged with Indict- " able Offences;" and an Act passed in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, intituled " An Act " to facilitate the Performance of the Duties of Justices of the " Peace out of Quarter Sessions in Ireland, with respect to Summary " Convictions and Orders;" and all other Act or Acts or Parts of Acts which are inconsistent with the Provisions of this Act, except as to Proceedings now pending to which the same or any of them are applicable.

Miscellaneous Provisions.

12 & 13 Vict. c. 70.

12 & 13 Vict. c. 69.

XLV. In the Interpretation of this Act and of the Schedules thereto annexed, save where there is anything in the Subject or Context repugnant to such Construction, the Word " County " shall be deemed to include " County of a City," " County of a Town," or " Riding of a County," as the Case may be; the Expression " Summary Jurisdiction " shall be deemed to mean any Case as to which a Summary Conviction or Order may be made by a Justice or Justices out of Quarter Sessions; the Word " Complaint " shall include " Information," and " Complainant " shall include " Informant," or " Prosecutor;" the Word " Order " shall include " Conviction;" the Words " Lord Lieutenant " shall include any other " Chief Governor or Governors of Ireland;" the Word " Quarter Sessions " shall include any General Sessions of the Peace for the County, and shall mean the Assistant Barrister in the Civil Bill Court and the Justices in Criminal Cases; the Word " Justice " shall mean " Justice of the Peace," and shall include the " Chief Magistrate " for the Time being or the " Borough Justices " of any Corporate Town; the Word " Month " shall mean " Calendar Month;" the Word " Gaol " shall include any " House of Correction " or " Bridewell," or other " Place " of Imprisonment of the County; the Word " Keeper of the Gaol " shall include " Bridewell Keeper," or the Keeper or Governor of any other Prison; the Word " Goods " shall include " Chattels;" and the Word " Oath " shall include " Affirmation " or " solemn Declaration," as the Case may be; and the References in this Act by Letters to the Forms to be used shall be to the Forms in the Schedule to this Act annexed.

Interpretation Clause.

XLVI. In

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Short Title of Act.

XLVI. In citing this Act in other Acts of Parliament, or in any legal or other Instruments or Proceedings, it shall be sufficient to use the Expression "The Petty Sessions (Ireland) Act, 1851."

Clause D. Time when Act shall commence.

XLVII. The First and Second Sections of this Act shall commence and take effect upon the passing of the Act, and the other Sections of the Act shall commence and take effect upon the First Day of November One thousand eight hundred and fifty-one.

Act to extend to Ireland only, and not to affect Jurisdiction of Court of Queen's Bench.

XLVIII. This Act shall extend and be construed to extend to Ireland only, save and except the several Provisions herein-before contained respecting the backing and Execution of Warrants and the taking of Examinations; and nothing in this Act shall be deemed to alter or affect the Jurisdiction or Practice of the Court of Queen's Bench in Ireland.

Schedule to be Part of Act.

XLIX. The Schedule to this Act annexed shall be deemed to be Part of this Act.

SCHE-

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SCHEDULE.

*** The Words in the Margin in *Italics* are to be used according to the Circumstances of each Case.

FORMS (A.)—PROOFS.

(A a.) *Information.*

——— *Complainant.*] Petty Sessions District of ———
——— *Defendant.*] County of ———

The Information of *A.B.* of *M.N.* who saith on his (1) that (2)

(1) *Oath* or *Affirmation.*
(2) State CAUSE of COMPLAINT, with Time and Place. Adding—
For the Arrest of a Witness *And he further saith that X.Y. can give material Evidence, but is not likely to attend voluntarily*, or, for Sureties for the Peace, *And he makes this Information for the Safety of his Person and Property, and not from Malice or Revenge against the said C.D.*

Taken before me, this Day of in the Year Eighteen hundred and fifty at in the said County.

Signed_____ Justice of said County.

(A b.) *Deposition of a Witness.*

——— *Complainant.*] Petty Sessions District of ———
——— *Defendant.*] County of ———

The Deposition of *X.Y.* of *M.N.*, taken in the Presence and Hearing of *C.D.*, who stands charged that (1)

(1) CAUSE of COMPLAINT, with Time and Place.

The said Deponent saith on his (2) that (3)

(2) *Oath* or *Affirmation.*
(3) DEPOSITION as nearly as possible in the Words of the Witness, and to be signed by him, if he will

And the said Deponent binds himself to attend at on the to give Evidence against the said *C.D.* for the said Offence, or otherwise to forfeit to the Crown the Sum of

(Binding to prosecute when required.)

Signed_____ Deponent.

Taken before me, this Day of in the Year Eighteen hundred and fifty at in the said County.

Signed_____ Justice of said County.

(A c.) *Statement of the Accused.*

——— *Complainant.*] Petty Sessions District of ———
——— *Defendant.*] County of ———

(1) CAUSE of COMPLAINT, with Time and Place.

A Charge having been made against *C.D.* before the undersigned Justice that (1)

and the said Charge having been read to the said *C.D.*, and the Witnesses for the Prosecution having been severally examined in his Presence, and the said *C.D.* having been first duly cautioned that he was not obliged to say anything, but that whatever he did say might be given in Evidence against him upon his Trial, saith as follows: (2)

(2) STATEMENT of Prisoner in his very Words, or as nearly so as possible, and to be signed by him, if he will.

Taken before me this Day of in the Year Eighteen hundred and fifty at in said County.

Signed_____ Justice of said County.

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(A d.) *Solemn Declaration.*

——— *Complainant.* } Petty Sessions District of ———
——— *Defendant.* } County of ———

I *A.B.* do solemnly and sincerely declare, That (1)

(1) Matter of Declaration.

and I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, Chapter Sixty-two, for the Abolition of unnecessary Oaths.

Signed _____

Made and subscribed before me, this Day of
in the Year Eighteen hundred and .

Signed _____ Justice of said County.

Forms (B.)—Process to enforce Appearance.

(B a.) *Summons.*

——— *Complainant.* } Petty Sessions District of ———
——— *Defendant.* } County of ———

Whereas a Complaint has been made to me that (1)

(1) Cause of Complaint, with Time and Place.

This is to command you to appear as a (2)
on the Hearing of said Complaint at on the
Day of at o'Clock, before such Justices as shall be there.

(2) Insert: *Defendant* or *Witness.*

Signed _____ Justice of said County,
This Day of 185 .

To _____ of _____

(B b.) *Warrant to arrest.*

——— *Complainant.* } Petty Sessions District of ———
——— *Defendant.* } County of ———

Whereas a Complaint has been made on Oath and in Writing that (1)

(1) Cause of Complaint, with Time and Place.

and (2)

(2) If the Case be so, add—
For Defendant,
Whereas the said C.D. has neglected to appear in obedience to a Summons,
For Witness,
Whereas Oath has been made that X.Y. can give material Evidence, but will not attend voluntarily.
If after Indictment—
It has been certified to me that (state as in Certificate of Clerk of Crown or Peace)

This is to command you to whom this Warrant is addressed to arrest the said
(3) _____
of _____
and to bring him before me or some other Justice of the County to answer to the said Complaint.

(3) Person against whom Warrant is issued.

Signed _____ Justice of said County,
This Day of 185 ,

To (4) _____ of _____

(4) Address.

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FORM (C.)—RECOGNIZANCE (to appear, &c.)

——— *Complainant.* } Petty Sessions District of ———
——— *Defendant.* } County of ———

Whereas (1)

The undersigned principal Party to this Recognizance hereby binds himself to perform the following Obligation, viz., to (2)

(1) *In binding a Party, &c., state* CAUSE of COMPLAINT, with Time and Place:
In binding Petty Sessions Clerk or Pound Keeper, state Fact of his Appointment.

(2) OBLIGATION.
To attend (the Court of Assizes, or Quarter Sessions, or Petty Sessions,) at on the Day of at o'Clock, and there —
To prefer (or *prosecute*, or *give Evidence upon*) *a Bill of Indictment against the said C D. for the said Offence;*
or
To surrender himself to the Keeper of the Gaol at F, and plead to any Indictment found against him for said Offence, and take his Trial for the same;
or
To prosecute (or *answer*) *to said Complaint;*
or
To prosecute his Appeal against the Order made on the Day of upon the said Complaint, and not depart the Court without Leave;
or
To keep the Peace (*and be of good Behaviour*) *towards all Her Majesty's Subjects, and particularly towards A B. for the Space of ;*
or
To perform faithfully and diligently the several Duties required of him as Petty Sessions Clerk under the Provisions of "The Petty Sessions Act, Ireland, 1851;"
or
To perform faithfully and diligently the several Duties required of him as Pound Keeper under the Provisions of "The Summary Jurisdiction Act, Ireland, 1851."

And the said principal Party, together with the undersigned Sureties, hereby severally acknowledge themselves bound to forfeit to the Crown the Sums following, viz.:—The said principal Party the Sum of and the said Sureties the Sum of each, in case the said principal Party fails to perform the above Obligation.

Signed { *M.N.* ——— Principal Party.
O.P. ——— } Sureties.
Q.R. ——— }

Taken before me this Day of at

Signed _____ Justice of said County.

---

(3) FORFEITURE.

I certify that the said *M.N.* has not performed the above Obligation.

Signed _____ Justice (*or* Clerk of Peace, &c.)
This Day of 185 .

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(4) DISTRAIN.

I order that the Sum of be levied off the Goods of the said *M.N.*, and the Sum of off the Goods of each of the said Sureties *O.P.* and *Q.R.*

Signed _____ Justice of said County.
This Day of 185 .

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Form (D.)—Order Book.

County of_____ Petty Sessions of_____.

Month of _____ No. (for the Month.)	Parties, &c. Name of Case. ——— *Compl.* v. ——— *Deft.*	Witnesses examined.	Cause of Complaint	Order. Name, Description, and Residence of Person against whom Order is made.	1. Sums awarded. To whom. *Crown* - *Complainant* *Costs* -	Amount to each £ s. d.	When to be paid.	2. Imprisonment. In what Event. *In addition,* or *In default of Payment* (or *of Distress*).	For what Period, and whether with or without Hard Labour	3. Special Order. Ejectment.— *To be ejected from the Premises of—— in —— Days.* Dismissal.— *This Complaint to be dismissed on the Merits* (or *without Prejudice*) *with Costs to Defendant*	Act under which Order is made	Signature of Justice.	Whether Sums paid in Court, or Warrant issued.

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FORMS (E.)—WARRANTS.

(E a) *Warrant of Execution (Summary Jurisdiction).*

———*Complainant.*] Petty Sessions District of ———
———*Defendant.*] County of ———

Whereas upon the Hearing of a Complaint that (1)

an Order was made on the Day of by the Justices present against the said:—
(2) _____
of _____
to the following Effect, viz.:—(3)

And whereas (4)

And whereas the said Order has not been complied with. This is to command you to whom this Warrant is addressed to execute the said Order against the said Person as follows:—(5)

And for this the present Warrant shall be a sufficient Authority to all whom it may concern.

The Sum levied to be paid to (6)

The Warrant to be returned in Days if not executed.

Signed _____ Justice of said County.
This Day of 185 .

To (7)_____ of_____.

(1) CAUSE of COMPLAINT, with Time and Place. In Ejectments, *the Defendant had refused to give up to the Plaintiff Possession of situate at on the Termination of his Tenancy.*

(2) PERSON against whom Order was made.

(3) ORDER.

Imprisonment in addition or default.
- Fine or Debt. *To pay for Fine (or Debt) the Sum of and for Costs the Sum of (forthwith),* or (*in Days.*)
  And also in addition, or
  And in default of Payment (or *Distress*).
- Imprisonment. *To be imprisoned for the Period of with* (or *without*) *Hard Labour.*

Ejectment. *To be ejected from said Premises in Days, and pay the Sum of to the Complainant for Costs.*

Dismissal. *That his Complaint be dismissed on the Merits* (or *without Prejudice*), *and that he do pay the Sum of to the Defendant for Costs*

(4) RECITALS.

After Appeal. *The Court of Appeal decided on the Day of that* (Order).

No Distress. *He has* (or *admits that he has, or it has been returned to a Warrant of Distress that he has*) *no Goods.*

Distress ruinous. *A Distress would be ruinous to him* (or *to his Family*).

(5) EXECUTION.

Committal in addition or default.
- To distrain. *To levy said Sums by Distress and Sale of his Goods.*
  And in addition, or
  And in default of Distress
- To commit. *To lodge him in the Gaol at F., to be imprisoned there for the Period of with* (or *without*) *Hard Labour* (*unless said Sums be sooner paid*).

To eject. *To enter and give Possession of said Premises to the Complainant or his Agent in Days.*

(6) PAYMENT.

In all Warrants to Constabulary insert "*Clerk of Petty Sessions.*" In all other Warrants insert Name of Person to whom Sum was ordered to be paid, if the Justices so think fit.

(7) ADDRESS.

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(E b) *Warrant to commit (or detain) for Trial, &c.*

——— *Complainant.* } Petty Sessions District of ———
——— *Defendant.* } County of ———

Whereas a Complaint was made on the Day of on the Oath of *X.Y.* that (1)

and (2)

This is to command you to whom this Warrant is addressed to lodge the said:—
(3) _____
of _____
in the Gaol at *F.*, there to be imprisoned by the Keeper of said Gaol, as follows:— (4)

And for this the present Warrant shall be a sufficient Authority to all whom it may concern.

Signed _____ Justice of said County.
This Day of

To (5) _____ of _____

(1) Cause of Complaint, with Time and Place.
(2) Recitals.
If Indictment found—
Whereas a Bill of Indictment has been found against the said C.D. for the said Offence.
Adjournments—
Whereas the Hearing of the said Complaint has been adjourned to the Day of at .
Remands on Arrest—
Whereas the said C.D. has been brought before me under a Warrant of Arrest, and the said Complaint is to be heard on the Day of at .
Refractory Witness—
Whereas X.Y., a material Witness, has, without just Excuse, refused to make Oath as a Witness (or to answer certain Questions) (or to enter into Recognizance to give Evidence on the Trial of the said C.D.) in that Behalf.
(3) Name of Person to be committed.
(4) Period of Imprisonment.
For Trial—
Until his Trial for said Offence and he shall be discharged by due course of Law.
For Witness—
Until the Trial of the said C.D. unless he shall in the meantime enter into such Recognizance as required (or *until the Day of unless he shall in the meantime consent to answer as required*).
For Adjournments—
Until the above Time of Adjournment (or *Hearing*) *when he shall have him at the above Place.*
(5) Address.

(E c) *Warrant to convey before a Justice of another County.*

——— *Complainant.* } Petty Sessions District of ———
——— *Defendant.* } County of ———

Whereas a Complaint was made that (6)

And whereas I have taken the Deposition of *X.Y.* as to the said Offence.

And whereas the other Witnesses reside in the County of .

This is to command you to convey the said:—

_____
of _____
before some Justice of the last-mentioned County, near the above Place, and to deliver to him this Warrant and the said Deposition.

Signed _____ Justice of the first-mentioned County.
This Day of 185 .

To (8) _____ of _____

(6) Cause of Complaint, with Time and Place.

(7) Name of accused Person.

(8) Address.

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(E d) *Warrant to discharge from Gaol.*

———— *Complainant.* } Petty Sessions District of ————
———— *Defendant.* } County of ————

(1) CAUSE of COMPLAINT, with Time and Place.

Whereas a Complaint was made that (1)

and whereas the said:—

(2) NAME of Prisoner.

(2) _____

(3) RECITALS.
For Accused,
Was committed to take his Trial for said Offence, but has now duly entered into Recognizance to appear for that Purpose.
For Witness,
Was committed for refusing to enter into Recognizance to give Evidence on the Trial of C.D. for said Offence, but has now done so (or *and the said C.D for Want of Evidence has not been bailed or committed*).

of _____

(3) _____.

This is to command you to discharge the said Person so committed, unless he shall be in your Custody for some other Cause.

Signed _____ Justice of said County.
This Day of 185 .

(3) ADDRESS.

(3) To the Keeper of the Gaol at _____

(E e) *Warrant to search.*

———— *Complainant.* } Petty Sessions District of ————
———— *Defendant.* } County of————

Whereas it appears on the Oath of *A.B.* of *M.N.*, that the following Articles of Property, viz.:—(1)

(1) DESCRIPTION of Articles stolen.

were stolen, and that there is Reason to suspect that the same is concealed in at .

This is, therefore, to authorize and require you to enter in the Daytime into the said Premises, and to search for said Property, and to bring the same and the Persons in whose Possession the same may be found before me or some other Justice.

Signed _____ Justice of said County.
This Day of 185 .

(2) ADDRESS.

(2) To _____ of _____.

FORM (F.)—RECEIPT FOR PRISONER.

County of ————

I hereby certify, that I have received from *A.B.*, Constable of the Body of *C.D.*, together with a Warrant under the Hand of *J.S.*, Esq., Justice for the County of , and that the said Prisoner was (1) at the Time he was so delivered into my Custody.

(1) "*sober*," or as the Case may be.

Signed _____
Keeper of the Gaol at
This Day of 185 .

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FORMS (G.)—INDORSEMENTS ON WARRANTS.

(1) (G a) I certify that after diligent Search (and for the following Reasons) :—

RETURN of no Person or Goods.
(1) *The Person,*
or
Sufficient Goods of the Person.

against whom the within Warrant was issued cannot be found.

Signed_____ { To whom this Warrant was delivered for Execution.

This Day of 185 .

(G b) I (2) that I have Reason to believe that the Person against whom the within Warrant was issued (3)

CERTIFICATE of no Person or Goods.
(2) For Constabulary—*Certify.*
For Bailiff—*Make Oath*
(3) *Is to be found,*
or
Has Goods.

at in the County of and that I believe the Signature to the within Warrant to be in the Handwriting of the said Justice.

Signed_____ { To whom this Warrant was delivered for Execution.

This Day of 185 .

To_____ of_____

(G c) It being (4) to me as above, I hereby indorse the within Warrant for execution in said County of ——— (5) (or Metropolitan District or other place).

BACKING by Inspector General or other Justice.
(4) For Commissioners of Police or Constabulary—*Certified.*
For Bailiff—*Proved on Oath.*
(5) In backing Warrant to arrest, add, if so intended—
and to bring the said Person before me or some other Justice of said County.

Signed_____
Inspector General (or Deputy, or Justice).

This Day of 185 .

To _____

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FORM (H.)—APPEAL.

——— *Complainant.* } Petty Sessions District of ———
——— *Defendant.* } County of ———

(1) CAUSE of COMPLAINT, with Time and Place.

Whereas upon the hearing of a Complaint that (1)

an Order was made on the Day of by the Justices present against the said:—

(2) (2) PERSON against whom Order was made.

of

to the following Effect, viz.:—(3)

(3) ORDER.

Fine or Debt. *To pay the Sum of to the Crown and the Sum of to the Complainant, with Costs (forthwith), or (in Days).*
And in addition, or
And in default of Payment (or Distress).
Imprisonment *To be imprisoned for the Period of with (or without) Hard Labour.*
Dismissed. *To be ejected from said Premises in Days, and pay the Sum of to the Complainant for Costs.*
Dismissed. *That his Complaint be dismissed on the Merits (or without Prejudice), and that he do pay the Sum of to the Complainant for Costs.*

Imprisonment in addition or default.

The Person against whom said Order was made hereby appeals against the same to the next Court of Quarter Sessions to be held at

Signed , Appellant.

This Day of 185 .

CERTIFICATE by Clerk of Petty Sessions.

I certify, that the above is a true Statement of the Order made on the above Day;

And that Notice of said Appeal was duly served.

And that the said Appellant has duly entered into a Recognizance to prosecute said Appeal.

Signed

Clerk of above Petty Sessions.

This Day of 185 .

CERTIFICATE by Clerk of Peace or Recorder of Order made on Appeal.

I certify, that upon the hearing of said Appeal on the Day of the Court of Quarter Sessions ordered that (state Order).

Signed

Clerk of the Peace (or Recorder).

This Day of 185 .

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FORMS (I.)—CERTIFICATES.

(I a) *Certificate of Order.*

——— *Complainant.*] Petty Sessions District of ———
——— *Defendant.*] County of ———

I certify, that upon the hearing of a Complaint that (1)

(1) CAUSE OF COMPLAINT, with Time and Place. In Ejectments, *the Defendant had refused to give up to the Plaintiff Possession of situate at on the Termination of his Tenancy.*

an Order was made on the Day of by the Justices present against (2)
of
to the following Effect, viz. :—(3)

(2) PERSON against whom Order was made.

(3) ORDER

Imprisonment in addition or default.
- Fine or Debt. *To pay for Fine* (or *Debt*) *the Sum of and for Costs the Sum of* (*forthwith*), or (*in Days*).
- *And in addition*, or
- *And in default of Payment* (or *Distress*)
- Imprisonment *To be imprisoned for the Period of with* (or *without*) *Hard Labour.*

Ejectment. *To be ejected from said Premises in Days, and pay the Sum of to the Complainant for Costs*

Dismissal. *That his Complaint be dismissed on the Merits* (or *without Prejudice*), *and that he do pay the Sum of to the Defendant for Costs.*

Signed _____ Justice of said County.
This Day of 185 .

(I b) *Of Indictment being found.*

County of ———

(1) "*Court of Oyer and Terminer, and General Gaol Delivery,*" or *Court of Quarter Sessions.*

I hereby certify, that at the (1) held at in the said County on the Day of a Bill of Indictment was found by the Grand Jury against *C. D.*, therein described as *C. D.* of *N.*, for that on the Day of at (2)
and that the said *C. D.* has not appeared or pleaded to said Indictment.

(2) OFFENCE as in Indictment.

Dated this Day of
Signed, _____
Clerk of Crown [*or* Peace],
This Day of 185 .

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(I c) *Of Consent to Bail.*

Petty Sessions District of ———
County of ———

Whereas on the Day of
C.D. was committed to the Gaol at charged
(*) Offence. with (*)
I hereby consent to the said *C.D.* being bailed by Recognizance, himself in the Sum of and [Two] Sureties in the Sum of each.

Signed, ———— Justice of said County.
This Day of 185 .

(I d) *For Payment of a Constable's Expenses.*

County of ———

To of Constabulary of the County of .
Whereas *A.B.*, Constable of in the County of hath, under a Warrant of *J.S.*, Esq., Justice for the said County, conveyed one *C.D.*, charged before the said
(*) Offence. Justice with having (*)

from in the said last-mentioned County to in the said first-mentioned County, a Distance of Miles: (†) I certify, that the said Constable is entitled to his reasonable Costs and Expenses of the same, and of returning to his Home, amounting to the Sum of for which this Certificate shall be your sufficient Voucher and Authority.

(†) Insert, as the Case may be, "*and produced him before J. S., Esq., Justice of said last mentioned County,*" or "*and delivered him to the Keeper of the Gaol at* ."

Signed ———— Justice.
This Day of 185 .

Received from of the Constabulary Force of the said County of the Sum of being the Amount of the Expenses paid to me under the above Certificate.

Signed ————
This Day of 185 .

Form (K.)—Petty Sessions Clerk's Oath of Office.

I *A.B.* do swear, That I have not given, or caused to be given, or promised to give, directly or indirectly, and that I will not give, any Consideration to any Person or Persons for my Appointment to the Office of Petty Sessions Clerk; and that I will act faithfully in the Discharge of the several Duties of said Office; and that I will duly account for all Sums of Money passing through my Hands; and that I will not take any other or greater Fee than I shall be by Law entitled to take; and that I will in all other respects to the best of my Skill and Power execute the several Duties required of me under the Provisions of "The Petty Sessions (Ireland) Act, 1851."

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Petty Sessions.

(Ireland.)

A

BILL

[AS AMENDED IN COMMITTEE]

To consolidate and amend the Acts regulating the Proceedings at Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in Ireland.

(*Prepared and brought in by Sir William Somerville and Mr. Attorney General for Ireland.*)

Ordered, by the House of Commons, *to be Printed*, 13 *June* 1851.

392.

Under 9 *oz.*

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